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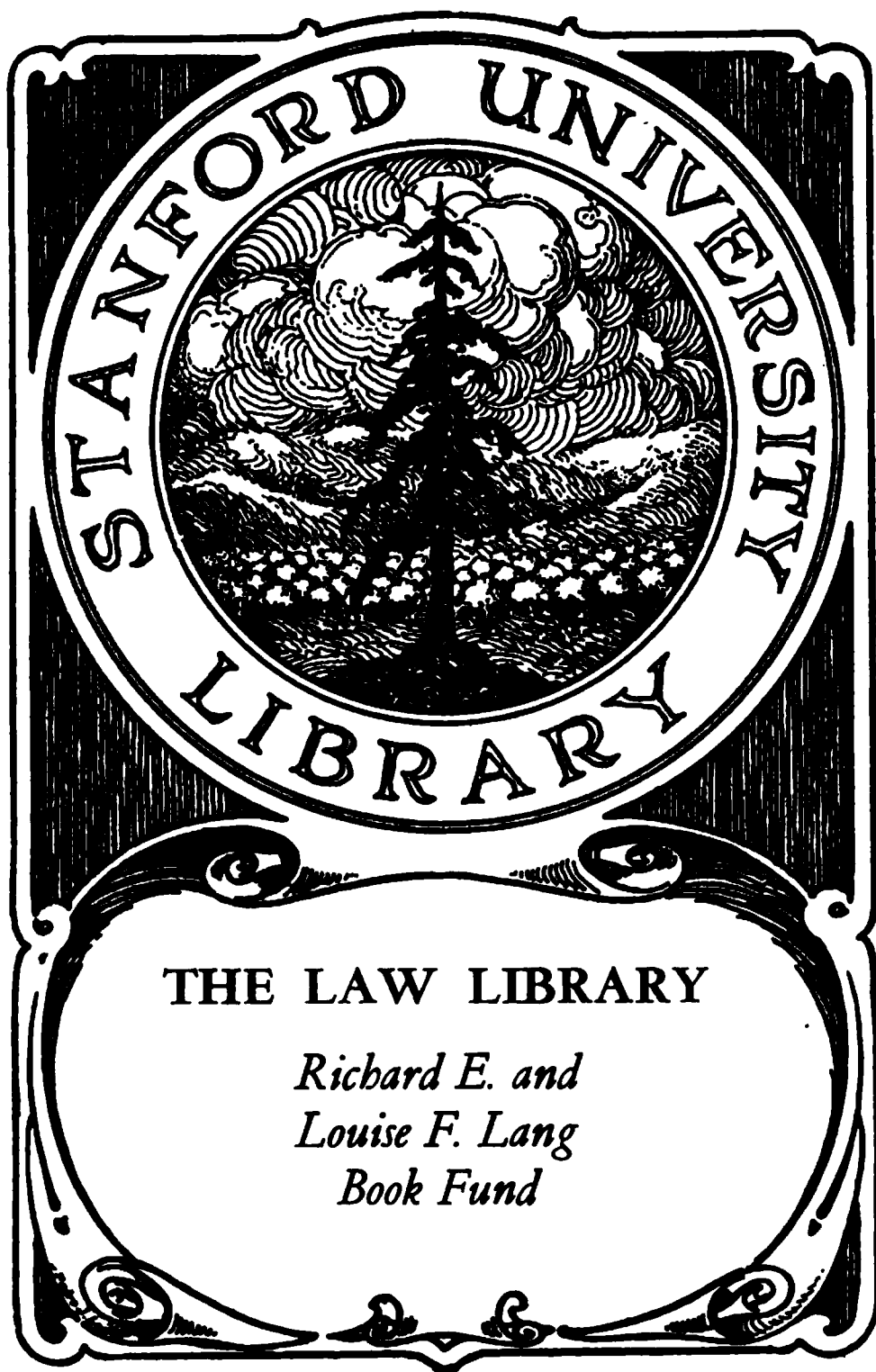
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*The Country will decide upon my conduct, and
to the decision of my Country I cheerfully submit.*

Published as the Act directs by J. Sturgeson, Stationer, 118, Strand, London, April 30th 1859.

STRATFORD'S
AUTHENTIC EDITION.

Of the Investigation of the
CHARGES

Brought against
His Royal Highness the
DUKE OF YORK,

BY
Guyllim Lloyd Mordaunt, Esq.
Member for Cuckhampton.

Containing the Whole of the Evidence.

Printed from the

MINUTES of the HOUSE of COMMONS,

With the Official Papers

AND THE

DEBATES AT LARGE.

Vol. 1.

O! that Estates, Degrees, and Offices

Were not deriv'd Corruptly! that clear Honour

Were purchas'd by the Merit of the Weaver!

Shakspeare.

LONDON, Printed for J. Stratford, 112, Holborn Hill.

and Sold by all other Booksellers.

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*Frederick Augustus, Duke
of York and Albany, &c.*

**THE
INVESTIGATION
OF THE
CHARGES
BROUGHT AGAINST
HIS ROYAL HIGHNESS
THE DUKE of YORK,**

**BY
G. L. WARDLE, Esq. M.P.**

For Oakhampton, Devon;

**WITH THE
Evidence, and the Remarks of the Members.**

**O! THAT ESTATES, DEGREES, AND OFFICES
WERE NOT DERIV'D CORRUPTLY! THAT CLEAR HONOUR
WERE PURCHAS'D BY THE MERIT OF THE WEARER!**

SHAKESPEARE.

LONDON:

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1809.

THE
INVESTIGATION

OF THE
CHANGES

BROUGHT ABOUT

IN THE ROYAL ARMY

THE BEAR OF YORK

BY

G. L. WATKINS, Esq. M.P.

OF THE HOUSE OF COMMONS

IN THE

HOUSE OF COMMONS

AND

IN THE HOUSE OF LORDS

AND

IN THE HOUSE OF COMMONS

AND

AND

1890

PREFACE.

A MORE important Era in the History of Great Britain, than that we are about to exhibit to public Notice, has never before occurred. The Characters of the Parties, the Circumstances investigated, the important Facts disclosed, and the Modes pursued to defraud the Public, form such a Body of extraordinary Incident, that not to know them would be derogatory to the good Sense and Feelings of such as have any Interest in the Concerns of their Country.

In the Instance before us, a Prince of the Blood Royal is introduced to View, as the Object of Enquiry; How far he has been concerned, or attempted to be involved, in the most scandalous and criminal Abuses? and how far, or whether at all, connected with a Set of Beings, "whose Existence and Practices have long been suspected, but never disclosed?" These interesting Topics employ the whole Attention

of "a Court, whose Honour, Integrity, and Discernment will suffer nothing to escape its discriminating Investigation."

It is unbecoming the Character of Britons to pre-judge; and it is highly derogatory to the patriot Sense of Loyalty, to urge Opinions where Facts form the only Criterion. Every Man, by the Constitution, is *declared* innocent, till he is *pronounced* guilty; and until Facts themselves absolutely and unquestionably prove the Guilt, no one ought to condemn.

We are only impelled by public Consideration and public Duty, merely to state *Facts* as they occur, without attempting to hazard or intrude individual Strictures.

INVESTIGATION

Carbonyl white

Highland white

*Miss Pamel. Highways the
Sister of York.*

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published by J. Simons as "Hundred Years in England".

INVESTIGATION

OF THE

CHARGES

AGAINST

THE DUKE OF YORK.

PREVIOUSLY to the more immediate enquiry we are about to state to our readers, the public mind had been variously agitated in consequence of publications against his royal highness the Duke of York, commander in chief, respecting supposed abuses; these were considered worthy of legal reprehension, and are at present before one of the tribunals of the country.

But if these were complained of, as extraordinary and impertinent, how must it have increased the surprise of all men, when a member of parliament rose from his seat on the 27th of January, 1809, to bring direct charges in that august assembly against the illustrious personage.

Mr. WARDLE submitted to the house a motion, respecting certain abuses which had obtained in the disposal of commissions in the British army. In doing this, he said, he should make no assertion in which he was not supported by positive facts. The power of disposing of commissions in the military service of this empire had been placed in the hands of a person of high birth, power, and influence.

But notwithstanding the high authority and powerful influence which the commander in chief of this country possessed, no respect to either should induce him to swerve from his duty as a member of that house, or operate with him as a motive to screen his royal highness, in any misuse of his power or authority, from that public justice which was called for by the voice of the people. No other motive impelled him this day than a sense of his public duty; for if corruption were not attacked in a quarter where it was so formidable, the army and the country must fall the victims of its influence. It was necessary, in the first instance, to put the house in possession of the true purposes for which the disposal of commissions in the army was placed in the hands of the commander in chief. It was for the purpose of defraying the charges of the half-pay list for the support of veteran officers, and increasing the Compassionate Fund, for the aid of the widows and orphans of officers; and, therefore, any commissions which fell by deaths or promotions, the commander in chief had no right to sell or dispose of for his own private emolument, nor to appropriate for the like purpose any difference arising from the change or reduction of officers from full to half-pay. He had thus explained, he believed, the nature of the power vested in the hands of the commander in chief; but he could bring positive proofs that such commissions had been sold, and the money applied to very different purposes from the legitimate ones required by the military usages and establishments of the country. If he could prove that those purposes were, in a variety of instances, abandoned by the commander in chief; that officers had been reduced to the half-pay list without receiving the usual difference in such cases; and if he could substantiate such a violation of the rights of military officers, it was a duty he owed to his constituents and his country so to do.

In

In the year 1803, his royal highness set up a very handsome establishment, in a fashionable quarter of the town, consisting of a superb house and elegant carriages of various descriptions, for a favourite lady of the name of Mrs. Clarke. Of the lady's name he should have occasion to make frequent mention in the course of his speech, in connection with a number of names and facts, to shew the house that he had not taken up this subject on light grounds.

The first fact which he should state was the case of Major Tonyn, of the 48th regiment, who received his commission as a captain on the 2d of August, 1802, and was promoted to a majority in the 31st regiment in August 1804. He meant no reflection upon this gallant officer, nor in the smallest degree to depreciate his merits; he meant merely to state facts as communicated to him. Major Tonyn was the son of a very distinguished officer, and might have purchased his promotion, if he chose; but this gentleman was introduced to Mrs. Clarke by a captain of the royal waggon train; and it was agreed, that upon his appointment to a majority, he should pay 500*l.* the money to be lodged at a house to be named, three days before he was gazetted, and then paid to a Mr. Donovan, a surgeon, in Charles-street, St James's-square. As he should have occasion to mention this gentleman again, it was necessary to state, that in 1802, he was appointed to a lieutenancy in a garrison battalion. He had never enquired what was the nature of the services he performed, but certainly he had performed no military services, for he had never been near his regiment, and seemed to have a perpetual leave of absence. He could not account why this gentleman's appointment was not in his professional line, upon the Medical Staff, sufficiently extensive as it was for the purpose. The introducer was captain Huxley Sanden. This money was appropriated by Mrs. Clarke towards the purchase of an elegant service

vice of plate from Mr. Birkett, a silversmith, the commander in chief paying the remainder. Thus it was evident that Mrs. Clarke had the power of disposing of commissions for purchase; 2dly, that she received pecuniary considerations for promotions; and 3dly, that the commander in chief partook of the emoluments; and this he could prove by the evidence of five witnesses, including the executors of Mr. Birkett.

The next fact he would adduce, was that of Colonel Brooks, on the 25th of July, 1805, and which was transacted through Dr. Thynne, a medical gentleman of high respectability. It was agreed between him and Mrs. Clarke, that she should receive 200*l.* on his exchange being gazetted: the lady was extremely anxious, and said she should have an opportunity of getting 200*l.* without calling on the commander in chief, and on the Saturday following the promotion was gazetted. He should be able to produce lieutenant-colonel Brook and lieutenant-colonel Knight; and he would be the last person in that house to bring forward such charges without competent evidence. He should now state a case by way of contrast to the last, and for the purpose of shewing that such permissions to exchange were not easily obtained from the Duke of York. It was the case of major M'Donnell and major Sinclair, of the first regiment of foot. Major Sinclair had been a considerable time in the West Indies; the climate perfectly agreed with his health, and therefore he was desirous of going upon that service, and applied to the commander in chief; Major M'Donnel, who was in a puny state of health, earnestly applied to the commander in chief for leave to decline that service, apprehensive of the danger of the climate, and wishing to remain in England. But major Sinclair was refused permission to go, and major M'Donnel was refused permission to remain; but was ordered
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to the West Indies ; and both gentlemen fell victims to the arrangement, for they soon died. They had, however, offered no bribe to the military patroness, whose influence could have prevailed in their cases.

The next was the case of major Shaw, appointed deputy-barrack-master-general at the Cape of Good Hope. It appeared that the commander in chief had no favourable opinion of major Shaw; but Mrs. Clarke interposes ; — he consents to pay her 1000*l*. Of this money, he immediately paid 200*l* ; shortly after he paid her 200*l* ; when she, finding he was backward in payment, sent to demand the remainder ; but, finding no chance of receiving it, she complains to the commander in chief, who immediately put major Shaw upon the half-pay list. The honourable gentleman said, he had a letter from major Shaw himself, stating the fact, and he never knew but one other instance of an officer being thus put on the half-pay list. Here then was further proof, to show that Mrs. Clarke's influence extended to the army in general, and that it operated to put any officer on the half-pay list, and that the commander in chief was a direct party in her authority.

The next case to which he should advert of the lady's influence, was that of colonel French, of the Horse Guards. This gentleman was appointed to a commission for raising new levies in 1804, and the business was set on foot by Mrs. Clarke. He was introduced to her by captain Huxley Sanden, and she was to have a certain sum out of the bounty for every recruit raised, and a certain portion of patronage in the nomination of the officers. She was waited on by colonel French, of the first troop of horse guards, and as the levy went on, she received various sums of money by colonel French, captain Huxley Sanden, Mr. Corri, and Mr. Cockayne, the attorney of Lyon's Inn, in the following rates, *viz.* — for a majority, 900*l*. captaincy, 700*l* ; lieutenantancy, 400*l*. and

and ensigncy 200*l.*: whereas the regular prices were respectively 2600*l.*, 1500*l.*, 550*l.*, and 400*l.*; and consequently all this money was lost to the half-pay compassionate fund, to put money into Mrs. Clarke's pocket.

The next instance was one in which the commander in chief himself was a direct partaker in the advantages of this traffic, by a loan to be furnished through colonel French, the writings for which were drawn by a Mr. Grant, an eminent solicitor of Barnard's Inn, for the purpose of raising 3000*l.*; but he did not receive it, because there was 3000*l.* due from government to colonel French. Hence then it was obvious that Mrs. Clarke exercised all influence in raising the military force of the country, in disposing of commands in that force, and in converting the purchase of commissions to her own private advantage.

Having now said enough of Mrs. Clarke, he would next proceed to the case of captain Maling, of the royal African corps. He meant no reflection upon that officer. He was appointed to an ensigncy on November 28, 1806; some time after, he was made lieutenant. He had still the good fortune to remain a clerk at the desk of Mr. Greenwood, army agent. On the 15th of April, 1808, he was employed by the Duke of York, and before the end of the year he was raised to a captain in the Royal African corps, the third year after his first appointment, and without seeing service; thus promoted over the heads of all the subalterns of the army, without any regard to their long services, and wounds in their country's cause, though many of them had lodged this money to pay the difference on promotion. Whether the honour, and interests of the British army, and the feelings of the officers, were properly to be subjected to such a system, the House of Commons would judge and decide. He hoped, after what he had stated,

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the House of Commons would not refuse to grant him a committee to inquire into those transactions; and if they agreed, he would pledge himself to bring as evidence before them Mrs. Clarke herself and the whole of the other persons whom he had named.

There was another circumstance in this case which he could not pass unnoticed; it was the existence of a public office in the City of London, where commissions in the army were offered to purchasers at reduced prices, and where the clerks openly and unequivocally stated in his own presence, and in his hearing, that they were employed by the present favourite mistress of the commander in chief, Mrs. Carey; and that, in addition to commissions in the army, they were employed to dispose of places in every department of the church and state; and those agents did not hesitate to state, in words and writing, that they were employed under the auspices of two of his majesty's principal ministers. Having now gone through the whole of his statement, the honourable member concluded by expressing his hope that the house would grant him a committee to inquire into the conduct of the Duke of York, in respect to the disposal of military commissions; and he moved accordingly.

SIR FRANCIS BURDETT seconded the motion.

The SECRETARY at WAR* said, he did not rise to give any opposition to the motion—at least not to any fair and reasonable extent to which the proposition might be thought necessary. The honourable gentleman had, in a very candid manner, brought forward facts of the most important kind, and in their consequences most serious and weighty. He conceived the house would readily acquiesce in going into an enquiry of the facts which had then been brought forward, or any other facts which the honourable gentlemen might still intend to produce hereafter;

* Right Hon. Sir James Pulteney, Bart.

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but, to a general inquiry into the conduct of the commander in chief, he would not agree. He was certain that illustrious personage was ready to go into a full investigation of these charges. As to the half-pay bill, he had already stated on former occasions, that it had been most materially and extensively benefited by the commander in chief, who had voluntarily resigned a very extensive patronage, in order that the sale of the commissions might be brought in aid of the compassionate fund, by which that fund had been greatly increased. With respect to the barrack department, he thought it proper just to state, that it was within the patronage of his royal highness the Duke of York. He wished also to observe, that the manner in which the army had been fitted out that was lately sent to Portugal, appeared a very striking mark of the superior military talents of the Duke of York, and a strong proof of his great attention to and regard for that army, and of course militated against the truth of charges, which, if founded in truth, must strike at his discipline, and through that, at its very existence. His right honourable friend* near him, who had so lately commanded that army, would readily tell the state in which he found it; and, great as his right honourable friend's talents were for inspiring his soldiers with courage, spirit, and activity, he could not speedily have instilled into them the noble energies of which they had given such unequivocal and brilliant proofs, if they had previously been under such inattention to and neglect of discipline as these charges held out. The spirit of promotion, which had been infused into the army by the commander in chief, and which thrived so well under his auspices and nourishments, together with the extreme regularity, order, and arrangement, which he had intro-

* Sir Arthur Wellesley.

duced into every military department, had done every thing for the army, and evinced that he had ever been actuated by the greatest zeal and anxiety for its honour and its interests—whereas the charges, if true, would make him one of its most inveterate enemies. He thought it necessary to make these few observations as to what he knew of the conduct of the illustrious personage in question: and, having done so, would not trespass further on the time of the house, than to say, he was very happy the honourable gentleman had brought them forward, as he was sure the commander in chief wished nothing more earnestly than that they might be fairly and fully investigated.

Sir, ARTHUR WELLESLEY rejoiced sincerely that the honourable gentleman had brought forward certain facts, on which a committee might be able to judge. His right honourable friend had said that he was able to speak as to his knowledge of the army he had so lately commanded, with respect to its discipline, and also as to the character and conduct of the commander in chief. He could truly answer that it had fallen to his lot to know particularly how promotions were made, and that such an advancement in the army never took place without the names being produced, by whom recommended, and the sums ascertained which were paid for the same. There was also a correspondence, shewing how the money was brought in that was intended for the half-pay fund, and what sums went out of it. He rejoiced, therefore, at the statement of facts alleged, and then brought forward. With respect to the removal of the deputy barrack master general at the Cape of Good Hope, he believed, and indeed knew, it was a case that frequently occurred, and that staff officers, not on full pay at the time they were appointed, must go on half pay; those who happen to be on full pay at the time appointed, remained

on full pay; but those only on half pay must remain so. He did not know that this was the case in the instance then alluded to by the honourable gentleman, but he mentioned these circumstances because it might happen to be so: and if it were, the usage of the service would account for it, and shew that it was no fault nor partiality in the commander in chief. As to the case of the two officers in the West Indies *, to whom the honourable gentleman had alluded, he thought it would be putting the commander in chief into a very severe and invincible predicament indeed, if, because he would not consent to any particular exchange which might have suited the private convenience or interests of those two individuals, that he should, therefore, be liable to the charge of their deaths. This would be carrying his responsibility for events not depending on himself a great length indeed, and never could be thought reasonable. If, indeed, general charges were to be brought forward and countenanced against persons filling so high and important a station as that of commander in chief, it would, he feared, become very difficult to prevail on persons of the elevated rank of the illustrious person in question, to accept an office of such extraordinary and extensive responsibility. It would appear from the statement of the alluded facts, that with a view to save money from going out of his own pocket, the commander in chief had connived at, or authorised the sale of commissions, the emoluments of which went into the coffers of his favourites, to the great detriment and injury of the Compassionate Fund. This seemed to be most contradictory of every principle of reason, or even probability. The Compassionate Fund actually originated with the commander in chief, who gave up voluntarily, and begged for the services of Major Mac Donnell and major Sinclair.

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most liberally and generously a very extensive patronage, in order that the commissions so within his gift might be sold, and added to the Compassionate Fund, in order to exonerate the half-pay list. If he had wished to make use of these for corrupt ends; nothing could be further from his purpose than the mode he had adopted. He coincided perfectly with his right honourable friend *, and should deem himself greatly deficient in duty, as well as justice, should he omit to speak of the state of the army so lately under his command in Portugal, and whose gallant achievements had so recently received the thanks of the house. He really believed there never had been an army in a higher state of discipline, from the staff down to the meanest soldier in the ranks; and if the army had not performed the feats and acquired the glory and the reward of the thanks it had received, the fault would not have been imputable to the commander in chief, but to himself only. He thought so much from him was due to the commander in chief, to whose superior military talents and unremitting zeal and assiduity, the high state of discipline which our army could now boast, was certainly to be attributed. Having made these observations, he should certainly vote for an inquiry.

Mr. YORKE said, he agreed with both the right honourable gentlemen who had just spoken, as to the importance of the charge, and that it was highly deserving the attention of the house. He believed there was never a charge of greater magnitude brought before it, nor had any honourable member ever before taken upon him to bring forward alleged facts, at once so serious and so weighty in themselves, and in their consequences. He was sorry to observe, it had lately been the misfortune

* The honourable Mr. Yorke.

of this country, to have been inundated with the most shameful, scandalous, and atrocious libels against this illustrious character, and others of his august family. That such should have been the case, was, in his opinion, highly disgraceful to the country; and he was happy to find that the matter had at length been brought into a tangible shape, and he hoped the honourable gentleman would proceed with his facts, and endeavour to prove the very serious and important charges which he had thus undertaken to do. He had for some time past viewed with the deepest concern the continued and repeated current of scurrility which had been poured forth against various branches of the royal family; and he could not, from the whole complexion of it, consider it in any other light than as a vile conspiracy against the illustrious house of Brunswick. It had for some time past been thought by many, and said by some, that the jacobinical spirit which some years ago unfortunately pervaded many parts of this country, was in a great degree allayed and diminished, if not altogether annihilated. He believed, however, that where a spirit of jacobinism had once taken root, it would never be wholly subdued or eradicated; and when he reflected on the numerous infamous libels which had lately appeared, he could not but consider them as the engines of a conspiracy devoted to those purposes, conducted, it was true, against his royal highness the commander in chief, but actually intended against the whole family and establishment. "Write down the commander in chief," continued the right honourable gentleman, "and you eventually attack and wound the whole." This he verily believed to be the aim and end in view of these perturbed spirits. He was, therefore, decidedly in favour of an immediate inquiry, and if blame there was, there let the punishment fall; but when it was considered who this illustrious

illustrious personage is, against whom these facts have been alledged, how nearly he is related to the crown, how much praise he merited for his unremitting attention to the army, and its most vital interests, to which the right honourable general had just before so forcibly borne testimony, and thereby recorded, he thought, that merely a commission would not be sufficient to investigate a matter of this important nature; but that, when the honour of a branch of the royal family was so deeply concerned, and so strongly assailed, the house should take up the matter on a higher ground, and on a broader basis, and pass an act of parliament for a special commission, empowering them to examine persons who were brought as witnesses, on their oaths. This being the impression on his mind, he should not have thought he had done his duty, if he had not thrown it out for the consideration of the house, at least; and no less grave and solemn mode of investigation appeared to him to be properly adapted to the subject.

Sir FRANCIS BORDETT said, he thought it was impossible any gentleman could have a different feeling upon this subject from what had been so forcibly expressed by all those honourable members who had delivered their sentiments on the subject, and particularly those of the right honourable gentlemen who had just sat down. For his own part, he had heard so many stories in circulation, which he had never had the smallest doubt were calumnies, that without knowing any thing more of the motion than what he had heard from the honourable gentleman who brought it forward, and of his intention so to do, he had agreed to second it. He could have no other reason for doing this than a sincere wish that these stories should be fairly brought to the test of investigation, before so serious, so honourable, and so competent a tribunal as the House of Commons,

and there receive that judgment and decision which he had no doubt would be highly honourable to the character of the illustrious personage who had been so vehemently assailed by them. The right honourable gentleman had expressed his opinion that the several gross libels which have appeared against the commander in chief, are so many indications to him that a conspiracy exists at this moment against the whole establishment. Where the right honourable gentleman could obtain his information he could not tell; but for his own part, he could never suppose that in this country, where discussion was allowed, such publications as those alluded to, naturally or fairly led to any such inference or deduction. It had ever been the case that public characters, even in the highest rank, had, from time to time, been liable to the attacks of falsehood and misrepresentation. That it should have been so, or that it was so at the present period, he allowed was much to be regretted; but there was one consolation, at the same time, in reflecting that such weak efforts of envy or malignity were easily traced, and when found out, might and ought to be exemplarily punished. He had no doubt but that the falsehood and malice of the libels alluded to by the right honourable gentleman would, on the present occasion, meet the fate they merited. He knew no way in which they had a chance of doing so, which appeared to him so certain or so speedy, as an investigation of and inquiry into the present charges; and he was happy to find that the right honourable gentlemen opposite to him were of the same opinion.

Mr. ADAM said, he gave way to the honourable baronet, in order that he might have an opportunity of shewing, as he had done, with so much coolness, candour, and politeness, the motives which induced him to second the present motion. He was extremely glad he had done so, as the whole of the
honourable

honourable baronet's sentiments, had been delivered in a manner highly honourable to him: His chief reason for offering himself to the house, on the present question, was for the purpose of stating what he thought would be the most desirable method of proceeding in the present case. In forming the opinion he was about to deliver to the house, he looked only to the principles of the British constitution, and the invariable end of its justice, viz. That from the highest subject to the lowest, every person accused must be taken to be innocent till proved to be guilty. With respect to all those alledged facts which the honourable gentleman had then brought forward in a very candid manner, he had not the smallest doubt, however the honourable gentleman might have been induced to give credence to their truth or probability, it would ultimately turn out, on a proper investigation, that they are founded in falsehood and misrepresentation. With respect to money, there were some circumstances in the transactions which positively forbid him from believing them possible to attach to his royal highness the duke of York. He had been more than twenty years, not professionally, but gratuitously, in the service of the duke of York, and he assured the house, he did not mention this from any vain boast of being so honoured with the confidence of that illustrious person; but, from motives of justice, he thought it his duty to declare, that he had ever received the most unbounded confidence from his royal highness as to all his pecuniary affairs; and there never had been one of his embarrassments which the duke of York had ever concealed from him. He used the word *embarrassments*, because they had been made known even to parliament. On the accuracy of his memory in this respect, he could positively and firmly rely, and could truly say, that he never heard of any man which he wished

wished or attempted to negotiate with any individual whatever, that was not grounded on as fair and honourable terms as a loan of the duke of Bedford, the duke of Northumberland, or any other nobleman could be, who had occasion at any time to raise money for any particular or special purpose. He was therefore an advocate for the inquiry, and should be happy that the five facts, or alleged facts, which had been stated by the honourable gentleman, should be speedily inquired into. He would also wish to have this done in as public a manner as possible; for publicity was what he aimed at; as much as his right honourable friend on the floor*; but he would not wish with him, that an act of parliament should be passed to obtain this desirable end. He would not have the house to give up its inquisitorial power; but to obtain that publicity which was so much desired, and was in fact so necessary for the due investigation of this important business, it was his advice that it should take place in a committee of the whole house, where every member would be a witness to it, and every circumstance would be fully enquired into. The great object was the mode of enquiry, and his decided opinion was in favour of a committee of the whole house.

Mr. WILBERFORCE thought, that situated as the house was as to party-spirit, a committee of the whole house would not be that mode of investigation which would best be adapted to that impartiality which a charge of this high importance required. He considered the judicial power of the house in this way as very defective; and should prefer the mode proposed by the right honourable gentleman†, as preferable, because it would enable the committee to be appointed to examine witnesses on oath, which would give the evidence a

* Mr. Yorke.

† Mr. Yorke.

weight.

weight in the eye of the public and of the world, which the other could not do. It had been done on former occasions, and he thought this as important a case as had ever occurred, and as much entitled to such a mode of proceeding. His royal highness's rank, the delicacy of his honour, and the splendour of his connections, required, that if put on his trial, it ought to be taken upon its real merits, and investigated in so serious a manner as to shew the house were in earnest; that the inquiry should be on the most extensive scale, and that they were determined to do justice, which would best be done by examining witnesses on oath. It was well known, the eyes of all Europe were then fixed on the deliberations of the house, and it behoved them to act in the most grave and decisive manner. He would, therefore, prefer a parliamentary commission, with power to examine witnesses on oath.

The CHANCELLOR OF THE EXCHEQUER coincided in the unanimous feeling of the house, that to the most solemn and serious accusation brought forward that night, the most solemn and serious inquiry ought to be afforded. The only difference that seemed to exist in the mind of gentlemen was, as to the manner of conducting that investigation, whether the ends, to which all looked with equal eagerness, were more likely to be acquired by a private and delegated examination, or by a full, prompt and public discussion, arising from the testimony, which the honourable gentleman who submitted those charges to parliamentary consideration, might be enabled to produce at the bar of that house. When he contemplated the important interests which the country had, whether in acquitting the exalted personage, if, as he was convinced, the event would prove such charges could not be substantiated, or in rendering justice to the dignity of

of the character of parliament, he was compelled by all and every consideration, to call upon that house not to abandon its legitimate judicial province, and by its first step to deprive itself of that freedom of conduct and action, that might eventually preclude it from adopting the course which it might be convinced was ultimately serviceable. There was no course that could prove satisfactory to the country, but a public one—and whatever inconveniencies might follow from its adoption, they were dissipated by the superior and paramount advantages. Independent of its general recommendation, some consideration ought to be extended to the wishes of his royal highness. That wish, he could positively state, was and he had the authority of his royal highness to say, that the investigation should be most complete and public. There was nothing that his royal highness so particularly deprecated as any secret or close discussion of those charges. Standing as that illustrious personage did on the fairness of his character, and the fullness of the evidence which he was enabled to produce in refutation of these charges, he was most peculiarly anxious to appear before the country; if acquitted, acquitted by the most accurate and severe enquiry, or if condemned, condemned by the most public and undeniable evidence.—Was the present moment suitable for the statements, he believed he could enter into particulars which would convince the house, that it was impossible to bring those alledged charges home to his royal highness. The honourable gentleman* had in the course of his speech stated a circumstance which particularly involved the character of his majesty's government. He had mentioned that two members of the king's cabinet were concerned in this agency for the disposal of government patronage. This was a topic on which he felt it due to himself to require the full-

* Mr. Waddell.

est information, and it was for the option of the honourable gentleman to determine, whether he would afford it in a public manner in that house, or by a private communication to some of the responsible servants of the crown. When in possession of that information, he assured the house that by him no measure would be left undone to unravel and elucidate the truth or falsehood of that allegation. The honourable mover stated, that preferments, not only in the army, but in the church and the state, were sold at an office in the city. This he also wished might be made the subject of the most anxious inquiry. No doubt, many persons advertised to sell places; and they gained by doing so; because they got money from others, who were the dupes of their frauds. If the honourable gentleman would state any fact of this kind to him, he should be the first to inquire into it. He wished the honourable gentleman would name the persons keeping the office in question. It was not for him to tell that house, that in this great capital it might happen that foolish persons were frequently deceived by advertisements in the public papers, announcing the disposal of official patronage. And perhaps it had occasionally turned out, that the very persons who were originally deceived by these advertisements to make applications, did ultimately obtain the very appointments for which they had endeavoured to negotiate; but he was convinced that as there was nothing so discreditable to government, so there was nothing more false in fact than the idea, that money was paid to persons high in office for such transactions. For the distinct manner in which the honourable gentleman submitted the question to the house, he conceived him entitled to its thanks. He had pledged himself to bring his charges home to his royal highness the Duke of York. Upon that pledge the proposed inquiry was admitted; and both for the accuser and the accused, to guard against suppression and

and insufficiency of evidence, publicity was essentially necessary.

Mr. WARDLE stated, that he was anxious to afford the fullest enquiry in his power to the right honourable the chancellor of the Exchequer. The office where this agency was transacted was in a court in Threadneedle-street. The persons conducting the business there did not deny the influence under which they were able to procure appointments. They had stated various situations purchased in the island, of Jamaica, and that the two members of the present cabinet, for whom they acted in such negotiations, and to whom he alluded in his speech, were the Lord Chancellor and the Duke of Portland.

It was then carried, *nemine contradicente*, that the conduct of his royal highness the commander in chief, in the appointment of commissions, and filling up of vacancies in the army, be referred to a committee.

The CHANCELLOR of the EXCHEQUER then moved, that it should be a committee of the whole house.

Lord FOLKSTONE considered the honourable mover entitled to the fullest credit, for the manner in which he brought the subject forward. He was of opinion that the ends of justice would be best answered by referring the inquiry to a select committee, from whose reports all the benefits of publicity would be derived. It was extraordinary to see the Chancellor of the Exchequer interfere with the mode of proceeding which the honourable mover had adopted, when the house recollected with what severe comment that gentleman *, remarked upon certain members at his side of the house, for the alledged indecorum of taking certain measures out of the hands of the original purposers.

Mr. Secretary CANNING conceived that the surprise expressed by the noble lord in seeing his right

* The Hon. Mr. Percival.

honourable

honourable friend propose to the consideration of that house the most desirable mode of proceeding, would have been prevented if that noble lord had considered the nature of the improvement which was recommended. The interference of his right honourable friend was not to restrict, but to extend inquiry—it was not to narrow the means, but to enlarge the sphere of deliberation. It was an improvement suited to the importance of the accusation, and to that serious discussion which so many commanding inducements pressed it upon that house to afford. The house should recollect that if such charges were proved, the issue of its deliberation might lead to a proceeding affecting the most valuable privileges of parliament, and the dearest interests of the elevated and illustrious personage affected by their decision. It was established by various precedents in parliamentary history. It was to a committee of the whole house the case of the Duke of Marlborough was submitted, because such proceeding was considered correspondent with the gravity of its judicial character, and because it was a species of trial which united earliness with publicity. When, therefore, the noble lord complained that an attempt was made to take the subject out of the hands of the honourable gentleman who originally brought it forward, the propriety of his reproach amounted to this, that the Chancellor of the Exchequer had proposed a motion calculated most effectually to promote the object which the original mover professed to have solely in his view. Indeed, the honourable mover himself did not feel any unjustifiable attempt at interference, nor did he evince any hostility to submit his charges to the House of Commons in its most extended capacity. That honourable gentleman had declared to the house, that in calling its attention to this very solemn subject, he was solely actuated by the sense of public duty; that he was free from any hostile feel-

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ing to the elevated personage, whose character his charges went so vitally to affect. For the impulse of public spirit and disinterested patriotism, he was willing to give him credit, and surely that honourable gentleman could not be dissatisfied with those who placed him upon the most commanding stage, to reap the benefit of his patriotic labours. He surely must be aware, that having undertaken the responsible task of submitting to the British House of Commons such a serious accusation, that whatever might be the issue of its deliberation; in whatever view the house should consider the transactions which he has disclosed, whether they were refuted or substantiated, infamy must attach somewhere—either upon the accused or the accuser.—From the system which had been deliberately pursued for some time past, by the enemies of his royal highness the commander in chief, he had to congratulate that illustrious personage, and at the same time to thank the honourable mover, for the opportunity of canvassing the subject upon charges preferred in a tangible shape. Whatever result might ensue from such accusations, it was not to be denied, that that royal personage had been subjected to the systematic calumnies of a set of unprincipled libellers; that in their vile and malignant publications he had been treated with a brutality of insult which almost made good men hesitate in deciding, whether the value of a free discussion was not considerably depreciated by the evils of its unbridled licentiousness? For the last six months, scarce a day elapsed without some fresh attack upon his honour and his feelings. There was a co-operation of cowardice with falsehood, which far exceeded the calumnious profligacy of other times.—A cowardice too of the basest kind, participating of the most depraved and odious qualities, deserving of that execration which the best feelings of humanity would pronounce on the base assailant of
female

female weakness, because, to direct unfounded attacks against those in high authority, was nearly similar to an attack on an undefended woman. It was, therefore, as sincerely interested in the honour and reputation of his royal highness, that he rejoiced to find that this question had taken a distinct shape, and that in the due and proper place, the period for imputation, and he was sure of exculpation, had arrived. It was for parliament to give the subject the fullest inquiry, but he trusted that the honourable mover would in the first instance, without any subsequent restriction, direct his proofs to the specific objects on which his charges of that night were founded.

Mr. WHITBREAD concurred heartily in the recommendation of the Chancellor of the Exchequer for the most public inquiry. It was due to the elevated rank of the illustrious personage accused, and to the great interests of the country, which were so implicated in the issue. The right honourable secretary had assumed as a fact, that such a conspiracy as he described, existed, and upon that assumption he rested all his arguments. If such a conspiracy did exist, every man must lament, that such a character, elevated in rank and influence, should be exposed to unmerited calumny. Still it was to be presumed and hoped, that a prince of the house of Hanover would prefer even suffering under such attacks, rather than risque the liberty of that press to which that family and the British empire owed so much. But why was this brutality of insult so long suffered to continue? Were the attorney and solicitor-generals asleep, and the other law officers of the crown asleep? How came it that they neglected their duty? He was ready to give them credit that the omission was not intentional. There was one point in the speech of the right honourable secretary from which he must dissent. It was assumed by him, that if the result

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should,

should, as he trusted, acquit his royal highness, his honourable friend would be infamous for preferring the accusation. Such doctrine was not supported either by the spirit or usage of the constitution. If there were justifiable grounds for his charge, or if information of a strong kind was laid before him, it was his bounden duty as an honest public servant, to act upon it in that house. In compliance with that sense of duty, his honourable friend did submit the subject to the house, and whatever might be the issue, he was convinced that not a particle of dishonour could attach to Mr. Wardle. There was one strong reason that it should go to a committee of the house, which weighed particularly with him, namely, that it would be impossible to select any set of names that would satisfy this herd of libellers and calumniators, of which such mention had been made by the right honourable secretary.

LORD CASTLERBAGH supported the opinion, that such a conspiracy did exist, with the determined object of running down the characters of the princes of the blood, and through them to destroy the monarchical branch of the constitution. Having failed in the attempt to injure it by open force, they now proceeded to sap and undermine it by the diffusion of seditious libels, converting the noble attributes of a free press to the most dangerous and detestable purposes. His royal highness the commander in chief was the principal object of their rancorous invective. To his prejudice, facts were falsified, and motives attributed to him of which his very nature was incapable. When forbearance was stretched to its utmost point, and prosecutions were commenced, the base libellers were found to have absconded. Scarce had the calumny of one of them proceeded from the press, when the calumniator was found to have withdrawn himself to America. The motion of that night put the duke of York and the public in a new situation.

situation. *It gave the subject a distinct turn; and he knew that elevated personage would deprecate any proceeding that did not rest upon steps taken in the face of day.*

After a few observations from Mr. Wardle, it was resolved that the house should on Wednesday February 1st resolve itself into a committee.

The CHANCELLOR of the EXCHEQUER then proposed, that the honourable gentleman should give in a list of the names of those witnesses he intended to call to substantiate his charge, that such persons might be summoned to attend at the bar of the house on that day.

Mr. WARDLE (after having gone to the table to make out his list of witnesses, returned to his seat) and said that he thought it would be attended with no inconvenience to defer mentioning the witnesses till Tuesday, when he should come down to the house prepared to furnish the house with the first part of the case he should proceed to prove, and a list of the witnesses, whom it might be necessary to examine relative to that first charge.

Such an enquiry discussed in so singular a manner; agitated the minds of every one; all appeared anxious for the commencement of an investigation, in which such opposite characters were concerned.

Agreeably to the proposed adjournment the House of Commons met on Tuesday the 31st of January, when Mr. Wardle rose, and stated that he believed he had done every thing which lay in his power to prepare himself at as early a day as possible for entering into the case which he had brought before the House of Commons respecting the commander in chief, his royal highness the duke of York. Though every thing that he wished he had not been able to do, yet he believed he had a sufficient number of witnesses now in town, to enable him to go into some of the cases which he had stated, as speedily as the

house should think proper, even to-morrow, or any other early day. The case to which he now particularly alluded, was that of the exchange negotiated for colonel Knight. Upon a charge made by him of so very serious a nature, and which, he must say, had been taken up by some gentlemen in a way still more serious and more solemn, he should expect the candour and justice of the house. He should think that it would be his duty, from his conviction of the cases to prepare himself beyond the chance of failure. He therefore thought it but fair to ask that colonels Knight and Brooke should both be summoned to attend the house. If the examination, however, was to be gone into to-morrow, he yet thought himself sufficiently prepared. Of that he had but little doubt; still, after hearing his other witnesses, he should appeal to the justice of the house, whether he might not be enabled to call more witnesses or documents in further stages of the business. In this, he hoped and trusted he should be indulged.

Some conversation took place respecting one of the officers, now in Jersey, and on some other less material topics, When Mr. Wardle agreeing to go into the examination of the witnesses already in town. He then moved that the speaker do issue his warrant for the attendance of Dr. Andrew Thynne, of Berner's street; Mary Anne Clarke, of No. 22, Westbourn-place, Sloane street; lieutenant-colonel Knight; Robert Knight Esq. of No. 4, Dean-street, Audley-square; lieutenant colonel Brooke of the 5th dragoons; for the production of the banking-books of Messrs. Cox, Biddulph, and Co. during the month of July, 1805; for the attendance of Mr. Biddulph, a member of that house.

All of which were unanimously agreed to.

On Wednesday, the 1st of February, Mr. Waddle moved the order of the day for the house resolving itself into a committee, to investigate the charges brought against his royal highness, which order being read, the house went into the committee.

Mr. WHARTON having taken the chair Mr. WADDELL begged leave to call the attention of the committee to some observations which had been made on the leading points in his charge. He hoped that in the statements he had already made to the house, that he had not uttered a single word which could justify a suspicion that he was actuated either by party motives, or any thing like personal animosity toward the commander in chief. He trusted his conduct on the occasion had been open and candid. When first he proposed this investigation he had offered an entire list of all the witnesses. He had never kept any thing a secret from the house; and God forbid he should attempt to sustain his charges by any proofs but such as it became a man of honour to offer. He felt it necessary, however, to advert to some strong remarks which had fallen from a right honourable gentleman* on a former night, which were not relevant to the subject before the house, and which, he thought, might better have been omitted. He had a right to appear in his place as a member of parliament, the accuser of the commander in chief; and it was the privilege of gentlemen on the other side of the house candidly to deliver their opinions on the subject; but he did not expect to be attacked in his personal character, or his conduct imputed to private motives, without any foundation in justice. Much was said about the licentiousness of the press, the spirit of jacobinism, and of a conspiracy to overturn the illustrious house of Brunswick. Nothing, however, which he had said had any thing to do with the licentiousness of the press. There was no man within or without that house who abhorred jacobin

* Mr. Yorke.

principles more than himself, unless by jacobin was meant an enemy to corruption, for such he was, whether it existed in great or little men; and as to conspiracy against the house of Brunswick, if any man presumed to charge such a motive to him, it was the duty of that man openly and manfully to follow up his accusation by proofs. As to jacobinism indeed, if his principles had tended that way, he should have adopted a contrary conduct: and instead of opposing, had cherished corruption, until it undermined the government. His object, on the contrary, was to check corruption, to serve his country, and to prevent in time those dreadful effects which are the certain consequences of corruption. A right honourable gentleman* had said on the former night, that he could give no credit to the charges against the commander in chief, because he had been so intimately acquainted with him for twenty years, that had any such transactions taken place, he must have known of them; but as he knew of none such, the charges must in consequence be false. He would, however, undertake to prove the existence not merely of those comparatively slight transactions under investigation, but of others to a most enormous amount, which, most probably were unknown to the right honourable gentlemen, and which were the cause of the breach between Mrs. Clarke and his royal highness. He was aware of the difficulties opposed to him in such a pursuit. He was aware there were many members in that house, who might be supposed to lean more toward the commander in chief than towards a private individual like himself. He was confident no member of that house would be actuated by motives of partiality in this case. He threw himself upon the honour, the candour, and indulgence of the committee, and without trespassing further on their attention, would proceed to evidence.

* Mr. Adam.

Mr.

Mr. YORKE assured the honourable gentleman that he had not by any means alluded personally to him in what he said respecting a conspiracy against the illustrious family of Brunswick, and the prevalence of the diabolical principles of jacobinism in the breasts of those infamous men, of whom his indignation was pointed. On the contrary, he had said that he thought him entitled to the thanks of the house and the country, for bringing those long disseminated accusations before a tribunal in a tangible shape.

MR. WHARTON in the Chair.

The following entry in the Gazette, 970, was read:
War office, July 30th, 1805.

“ 56th regiment of foot: brevet lieutenant-
“ colonel Henry Raleigh Knight, from the
“ 5th dragoon guards to be major; vice
“ Brooke, who exchanges.”

Andrew Thynne, Esq. M. D.

was called and examined by Mr. Wardle, who previously declared that Dr. Thynne was unknown to him, and that he had had no communication with him on the subject.

Question to Dr. Thynne. Did you attend Mrs. Clarke, in your professional capacity in the month of July, 1805?

A. I attended Mrs. Clarke for seven or eight years, and cannot be particular as to the time specified in the question.

Q. Did you ever apply to Mrs. Clarke to promote an exchange between lieut. col Knight and major Brooke?

A. I did. The application was made at the request of my old friend, Mr. Robert Knight, brother to lieutenant-colonel Knight, and in order to oblige him, I spoke to Mrs. Clarke to expedite the exchange.

Q. What passed on this occasion, between you and Mrs. Clarke?

A. I made an offer of two hundred pounds to Mrs. Clarke, as I had been authorized to do.

Q. For

Q. For what purpose was this money offered ?

Q. To induce her to expedite the exchange in a certain time. To remove some impediments and delay which Mr. R. Knight expected were in the way.

Q. Through what medium was Mrs. Clarke expected to do this ?

A. I cannot answer. I delivered the message with which I was entrusted. The medium, I believe, is pretty well known.

Q. Was it not from her connection with the Duke of York that it was expected she could have any influence in this matter ?

A. Of course ; if Mrs. Clarke was not expected to be able to expedite the exchange she would not have been applied to.

Q. How many days elapsed between the application to Mrs. Clarke and the appearance of the exchange in the Gazette ?

A. I cannot be accurate. I was not interested in the event ; the matter made little impression on my mind ; I believe the exchange was a good deal expedited by Mrs. Clarke.

Q. Was it in a few days or a week ?

A. I am not positive ; it might be in a fortnight or three weeks.

Q. Did Mrs. Clarke communicate the gazette to you ?

A. She sent the gazette to me, and I immediately sent it to the parties ; no money ever passed through my hands.

Q. Did Mr. Robert Knight alone authorize you, or was lieutenant colonel Knight a party in giving this authority ?

A. I was solely influenced by Mr. Robert Knight, who was my old friend, and had been my patient for a long time ; I knew little of his brother.

Q. Was lieutenant-colonel Knight present when you was authorized to offer the two hundred pounds ?

A. I cannot tell, I met Mr. Robert Knight often by himself, and sometimes in company with his brother.

Sir. F. Burdett. Q. Did you request Mrs. Clarke to apply to the Duke of York to expedite the exchange in consequence of her receiving the two hundred pounds ?

A. Why the thing was understood ; I should not have been commissioned to apply to Mrs. Clarke, if it was not believed she had influence.

Q. How was it the witness understood Mrs. Clarke had influence with the Duke of York ?

Dr.

Dr. Thynne was about to answer, when on the motion of Mr. Lockhart, the witness was ordered to withdraw; and after stating the ill effects likely to arise from receiving such answers as the witness gave, the honourable gentleman moved that the chairman should be requested to desire Dr. Thynne in future to confine his answers to his own knowledge of facts, and not to go into surmises. This being agreed to, Dr. Thynne was again called, and admonished to that effect.

Q. What were the means you understood she possessed?

A. It was understood at the time she had some influence with a great personage.

Sir F. Burdett. *Q.* Did you not apply to Mrs. Clarke to ask the Duke of York to expedite the exchange?

A. Yes I did so; I acknowledge that.

Q. Was the two hundred pounds offered for that purpose?

A. For that sole purpose.

Q. Was the name of the Duke of York mentioned in this conversation with Mrs. Clarke?

A. It is impossible for me to recollect all the particulars of a conversation happening so long as three or four years.

Sir John Hall. *Q.* Who did you mean when you said Mrs. Clarke had some influence with a great personage?

A. The commander in chief of course.

Mr. Wardle. *Q.* At the time the exchange was spoken of did you give any thing in writing to Mrs. Clarke?

A. I did, I gave her the names of the parties on a slip of paper. I either wrote them down, or else she did it herself.

Sir T. Turtlen. *Q.* At any subsequent time did Mrs. Clarke say she had applied to the Duke of York on this business?

A. The sending the gazette is all I knew about it.

Q. Did Mrs. Clarke ever say the exchange was accomplished by her means?

A. Mrs. Clarke accompanied the gazette with a note, to say the exchange was accomplished; that she was going out of town in a day or two; and that the two hundred pounds would be very convenient.

Q. Was there any thing more in the note than what you have now stated?

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A. I cannot tell. That is all I know at this distance of time, as the matter made little impression on my mind.

Q. Since that time has Mrs. Clarke communicated any thing to you on the subject, that the exchange was procured by her influence with the Duke of York?

A. I do not know whether ever since that time I had any conversation with Mrs. Clark; I understood then it was accomplished by her means. I do not know that I ever saw her since. I do not recollect having any such communication from her as that it was accomplished by her through the Duke of York; but at the same time, I believe it was by his means.

Q. Have you preserved the note?

A. No. I sent it with the gazette to the parties.

Mr. Croker. *Q.* Have you any means besides your own surmise to suppose that the exchange was expedited by the interference of Mrs. Clarke?

A. I understood the exchange was obtained in a regular way, but Mrs. Clarke was to use her influence to expedite it.

Question repeated by Mr. Croker?

A. No other reason on earth.

Mr. Wardle. *Q.* Did you know of Mrs. Clarke's living with, and under the immediate protection of the Duke of York at this time?

A. It was so understood at the time.

Q. Did you ever see the Duke of York at Mrs. Clarke's?

A. Never.

Mr. Fuller. *Q.* Of your own knowledge do you know of such a relative situation between them?

A. I don't understand the question.

Mr. Wilberforce. *Q.* What passed between you and Mrs. Clarke as far as the interview has left any impression on your mind?

A. When I first came, she, Mrs. Clarke talked much of difficulty, and of secrecy, and of the danger she incurred, if any thing she did was permitted to transpire.

Q. The Chancellor of the Exchequer. *Q.* What were her words?

A. I do not recollect, that was her meaning.

Q. Did you not know from Mr. Knight that the exchange was in train of being effected before Mrs. Clarke's influence was asked?

A. I understood it would have been done in time. Mrs. Clarke was only asked to expedite it. It was a fair thing, and would have gone regularly through the office.

On Dr. Thynne being ordered to withdraw,
 ROBERT KNIGHT, Esq.
 was called to the bar, and examined to the following effect.—

Q. Did Mr. Robert Knight desire Dr. Thynne to use his influence with Mrs. Clarke for the purpose of expediting an exchange between colonel Knight and colonel Brooke?

A. I did.

Q. Did he authorize Dr. Thynne to hold out any pecuniary temptation to Mrs. Clarke for that purpose?

A. Yes.

Q. To what amount?

A. Two hundred pounds.

Q. After the exchange was effected, did Mr. Knight send any money to Mrs. Clarke?

A. I did.

Q. To what amount?

A. Two hundred pounds.

Q. Had colonel Knight any positive promise from the commander in chief that he should be exchanged, prior to the application to Mrs. Clarke?

A. My brother had applied in the regular way, and received the usual official answer, "that whenever a proper successor could be found, there would be no objection to comply with his request."

Q. The last question having been repeated; Mr. Knight answered No.

Q. Why was an application made to Mrs. Clarke on the subject?

A. Some delay had taken place, of the cause of which I was ignorant. I was anxious the exchange should be effected, as my brother was in a bad state of health. Dr. Thynne was attending my family at the time, and understanding from him that he knew Mrs. Clarke, and that she possibly could be of service. I authorized him to offer her the two hundred pounds.

Q. In what manner was the two hundred pounds conveyed to Mrs. Clarke?

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A. By

A. By my servant under a blank cover.

Q. Did Mr. Knight see Mrs. Clarke soon after the exchange had been gazetted; and if so, for what purpose?

A. I saw her in September, to thank her for her exertions.

Q. On that occasion did Mrs. Clarke request secrecy on the transaction, and did she assign any reason for that request?

A. Mrs. Clarke entreated that I would be secret with respect to the transaction, lest it should come to the Duke of York's ears.

Q. Has Mr. Knight seen Mrs. Clarke within the last month?

A. Yes.

Q. How happened it that he saw her?

A. She sent me a note, to which I made no reply. Ten days ago she sent me another note, upon which I called on her, and she asked me the name of the officer who had exchanged with my brother. She made a number of complaints of the ill treatment she had experienced from his Royal Highness the Duke of York, who had left her two thousand pounds in debt, and expressed her determination to expose him to the public, unless she could bring him to terms. I said that it was her affair, and that I trusted she would not produce me or my brother. Her reply was, "good God! no, I have no such intention. You can have nothing to do with it." This conversation passed in her drawing-room. She again stated that the Duke of York had left her two thousand pounds in debt. He had seen nothing of Mrs. Clarke since; and he was much surprised to hear his name mentioned in the manner it was.

Q. Was the exchange in negotiation previous to the application to Mrs. Clarke?

A. I believe it was; my brother was out of town, who could best answer the question.

Q. In what form was the negotiation conducted?

A. In the regular way.

Q. Did witness of his own knowledge understand where the delay in effecting the exchange arose?

A. In the Duke of York's office.

Q. In what department of that office?

A. I cannot precisely say. Colonel Gordon was secretary at the time.

Q. At

Q. At what hour of the day did Mr. Knight send the two hundred pounds to Mrs. Clarke?

A. Rather early in the forenoon.

Q. Did it consist of one or two notes?

A. I believe two, of one hundred pounds each.

Q. From whom did he receive those notes?

A. I do not recollect.

Q. How long was it after this negotiation that the remittance was made?

A. About a fortnight or three weeks.

Q. Did Mr. Knight receive a note from Mrs. Clarke, accompanying the gazette, in which his brother's exchange was announced?

A. No, I received it from Dr. Thynne.

Q. In his conversation with Mrs. Clarke did Mr. Knight understand that Mrs. Clarke had actually applied to the Commander in Chief to expedite his brother's exchange, and that the exchange was effected in consequence of that application?

A. Of course Mrs. Clarke took credit to herself for the success of her application.

Q. Did Mr. Knight ever learn from Mrs. Clarke that she had actually applied to the Commander in Chief on the subject?

A. She told me so.

Mr. Wardle. Q. At the time the application was made, did witness understand the Duke of York and Mrs. Clarke were living upon terms of intimacy? (*This question was overruled.*)

Q. At the time when the transaction occurred, did Mrs. Clarke reside in Gloucester-place.

A. She did.

Q. Was it after Mrs. Clarke's application to the Commander in Chief that she requested secrecy?

A. Yes.

Q. Did not Dr. Thynne transmit to Mr. Knight the gazette in which his brother's exchange was announced?

A. I do not know but he might.

Q. Was the gazette accompanied by a note from Mrs. Clarke to Dr. Thynne?

A. I do not remember that it was.

Q. Was it after the two hundred pounds was sent to
D 2 Mrs.

Mrs. Clarke that she expressed a desire that the transaction might be kept a secret from the Duke of York?

A. Yes.

Q. Did she express her desire to conceal from the Duke of York that two hundred pounds had been paid her, or what were the words?

A. She requested that the whole business might be concealed from him.

Q. Did she express herself particular as to money, or in general conversation on the transaction itself?

A. On the transaction itself.

Q. When was this wish expressed?

A. In September.

Q. When Mrs. Clarke expressed a wish for secrecy, did she also express a wish that his Royal Highness, the Duke of York should not know the circumstance?

A. Certainly.

Q. Was it not her wish that the transaction should be kept secret from the public?

A. From HIM.

Q. Can Mr Knight repeat the conversation that passed on that occasion?

A. Not exactly; it occurred a long time ago.

Q. What expressions did Mrs. Clarke use, the recollection of which enabled the witness now to state, that it was not from the public, but from the Duke of York himself she was anxious to conceal the transaction that had taken place?

A. She begged that it might be kept secret from his Royal Highness.

Q. Was she more anxious to keep the transaction a secret from the duke of York than from the public?

A. The public was never mentioned in the business.

Q. When Mrs. Clarke intimated her intention of exposing his Royal Highness, did she particularise the measures that she meant to pursue for that purpose?

A. No.

Q. Does Mr. Knight recollect the expressions which she used on the occasion?

A. Mrs. Clarke stated that she had been neglected and ill-used by his Royal Highness, and that if he would not pay her debts she would expose him.

Mr.

Mr. Wilberforce. Q. Had witness any particular reason for sending the money early in the morning?

A. He had no particular reason.

Mr. Fuller. Q. Did witness of his own knowledge know the lady lived next door to a tabernacle.

Mr. Henry Lascelles observed, that he understood there was an honourable member who could speak to the commencement of the negociation, and whose statement might facilitate the investigation a great deal. General the Honourable Chapple Norton said; "I cannot speak to the time; but colonel Knight certainly applied to me, and explained himself very fully and very satisfactorily to me, or I should not have recommended the exchange, which I did."

Mr. Knight having explained some parts of his evidence; was allowed to withdraw.

Mr. Beresford in allusion to a temporary absence from the house of Mr. Wardle, called to the honourable gentleman, to say, whether in that absence he had seen Mrs. Clark, and if so, what his conversation with her had been.

Mr. Wardle replied, that he certainly had seen Mrs. Clarke for a few moments, but that all he had said to her was, that Mr. Knight was under examination.

Mr. Beresford intimated, that he should make this a distinct subject of inquiry on Mrs. Clarke's examination

MRS. MARY ANN CLARKE,
was then called in and examined to the following effect: by Mr. Wardle.

Q. Did Mrs. Clarke reside in Gloucester-place with his Royal Highness the Duke of York in July 1805?

A. Yes, I did.

Q. Was she at that time under his royal highness's protection?

A. I was.

Q. Does Mrs. Clarke recollect Dr. Thynne's having attended her professionally?

A. About that time Dr. Thynne did attend me?

Q. Does she recollect an application made to her by Dr. Thynne, to use her influence with the Commander in Chief, for the purpose of expediting an exchange between colonel Knight and colonel Brooke?

A. I do.

Q. Did Dr. Thynne hold out to Mrs. Clarke the expectation of any pecuniary compliment in the event of her success?

A. He did.

Q. Any particular sum?

A. Yes; he said something about a couple of hundred pounds.

Q. Does Mrs. Clarke recollect that Dr. Thynne told her colonel Knight had been long trying to procure the exchange for which change he was solicitous?

A. I do.

Q. Did she afterwards speak to the Commander in Chief on the subject?

A. Yes, I did.

Q. How did she mention the business to him?

A. I told his Royal Highness of it, and gave him the paper containing the names of the parties, that had been put into my hands by Dr. Thynne.

Q. Did Mrs. Clarke at the same time state to the Commander in Chief that she expected a pecuniary recompence for her trouble?

A. I said that the parties had promised to make me a compliment.

Q. Did she state the amount to his Royal Highness?

A. I am not certain whether I did or not.

Q. Is Mrs. Clarke certain that she mentioned to the Commander in Chief her expectation of receiving any pecuniary compensation?

A. I told his Royal Highness that I did not know the men at all, but that I certainly expected a compliment from them.

Q. When the exchange appeared in the gazette, does Mrs. Clarke recollect sending it to Dr. Thynne?

A. I do.

Q. Did she send a note with it?

A. Yes.

Q. Did Mrs. Clarke receive afterwards any pecuniary consideration?

A. Yes, I did.

Q. How much?

A. Two hundred pounds in bank-notes.

Q. In what way sent?

A. Inclosed in a note, with Dr. Thynne's compliments.

Q. Does

Q. Does the witness mean to say that the compliments were sent verbally by the servant, or that they were written?

A. I think written.

Q. Did Mrs. Clarke make known the receipt of the two hundred pounds to the Commander in Chief?

A. Yes, I did.

Q. When did she mention it to him?

A. On the same day.

Q. What passed?

A. I merely said that they had kept their promise.

Q. Did the Commander in Chief know the amount of the notes?

A. He knew the amount, because I shewed him the notes, and I believe I got one of them changed by one of his Royal Highness's servants.

Mr. Beverford. **Q.** Where was the witness immediately before she came to the bar?

A. In some room above stairs.

Q. Did she see any and what people?

A. I saw captain Thompson, Mrs Metcalf (the wife of Dr. Metcalf), and Miss Clifford, who accompanied me. Mr. Wardle came in for a minute.

Q. What conversation passed between the witness and Mr. Wardle?

A. Not a word. After Mr. Wardle asked me how I did, he spoke to the other ladies.

Q. Did no other conversation pass between the witness and Mr. Wardle?

A. No.

Attorney General. (Sir Francis Gibbs.) **Q.** Does the witness know Mr. Robert Knight?

A. Yes.

Q. How long has she known him.

A. He took an opportunity of calling on me in September, 1805, in company with Mr. Biddulph.

Q. What conversation passed?

A. It is so long since, that I scarcely recollect. Mr. Knight thanked me for the influence I had exerted in his brother's behalf. Mr. Biddulph had some favours to ask of me.

Q. Did the witness desire Mr. Knight to keep the transaction a secret?

A. Yes,

A. Yes, I did certainly.

Q. Did she express a wish to keep it a secret lest it should reach the ears of his Royal Highness the Duke of York, or words to that effect?

A. Nothing like it.

Q. Is she quite sure of that?

A. Positive.

Q. When she told his Royal Highness that she expected a compliment for the share she should have in the business, did he make any remark.

A. Yes.

Q. What was it.

A. His Royal Highness said, that it was very well; they had been trying it for some time; that he thought one of them rather a bad subject, but that he would do it.

Q. The witness has said, that when she received the two hundred pounds she shewed the notes to his Royal Highness; What observations did he make on the occasion?

A. Not any thing that I recollect.

Q. When was the application first made by Dr. Thynne to the witness?

A. I do not exactly remember.

Q. On what day was the exchange gazetted?

A. I do not recollect the day.

Q. Can the witness be sure that the first application was made to her not more than three days before the exchange was gazetted?

A. I do not think it was.

Q. At what time of the year did the transaction take place?

A. His Royal Highness was going to Weymouth, about the end of July, or beginning of August.

Q. When did the witnesses first mention this transaction to colonel Wardle?

A. I do not recollect.

Q. About how long ago?

A. It must have been very lately.

Q. Why does she say it must have been very lately?

A. Because I speak from the fact.

Q. How long ago.

A. Within the last month. Colonel Wardle had heard of it in other quarters, and he attacked me on the subject.

Q. Had

Q. Had the witness any knowledge of colonel Wardle before he attacked her on the subject?

A. Yes.

Q. What led to that knowledge?

A. Himself.

Q. Is the witness speaking of a time before colonel Wardle attacked her?

A. I am, I knew him before.

Q. How long before?

A. Perhaps six months.

Q. Did the witness mention the transaction voluntarily to colonel Wardle before he attacked her on it?

A. He asked me if it was true, I told him yes.

Q. Did she state it voluntarily, or did she only state it in answer to his inquiries?

A. When colonel Wardle told me he had heard of the business, I said yes it was true, I did not think I should be brought here about it, or I should have been apt to deny it.

Q. Would the witness have willingly concealed it?

A. Yes, I had sense enough to conceal any thing that ought not to be made public.

Q. To what other persons had the witness spoken on this business besides colonel Wardle?

A. I do not recollect.

Q. How came she to mention to other friends what she herself states ought to be kept from the public?

A. I did not say I mentioned it; it was mentioned, and then I said it was true.

Q. When the witness mentioned the transaction to colonel Wardle, did she give to him the same account as she has given at the bar?

A. No, I did not.

Q. Which account was true?

A. Both.

Q. In what did the difference consist?

A. I don't see any difference.

Q. How?

A. I did not enter so much into detail.

Q. What! was the account she gave to colonel Wardle shorter than that which she has given to the house?

A. Considerably.

Q. Can

Q Can the witness recollect the day of the month or of the week on which Dr. Thynne applied to her?

A. Neither the day of the month nor the day of the week.

Q. Neither?

A. Not on such a trifling occasion.

Q Did not the witness tell colonel Wardle on what day Dr. Thynne applied to her?

A. No.

Q Did not she tell him that the application was made on Thursday, and that the exchange was gazetted on the succeeding Saturday?

A. I did not.

Q. Has the witness told the house all she knew on the subject?

A. I have told the house no more.

Q. But have you told the house every thing you have told colonel Wardle on the subject?

A. Yes, and a great deal more.

On the requisition of Mr Brand, the witness was ordered to withdraw, and the honourable gentleman then stated that the tendency of the Attorney-General's questions was to impeach the veracity of Mr. Wardle, which he did not consider a fair course of procedure towards his honourable friend.

The ATTORNEY-GENERAL denied that such was by any means his intention. "Whatever questions he had felt it his duty to put to the witness, was with the sole view of impeaching her veracity alone, and he trusted what he had said, and what he would say, would convince the house of her whole story being a malicious fabrication, and not entitled to any credit. He was far from thinking that any thing he could say to expose her falsehoods could in the least affect the veracity of Mr. Wardle, and nothing could be farther from his intention."

The witness was then called in, and re-examined by the Attorney-General.

Q. What circumstances have you communicated to the house which you did not state to Mr. Wardle?

A. I did

A. I did not intimate to Mr. Wardle that a servant of the Duke of York had got me change for the note, which I got done, that I might leave some money with my servants when I went out of town.

Q. What other circumstances did you relate to the house that you had not told colonel Wardle?

A. I said very little to Mr. Wardle at all. He had heard the story from other people, and asked me whether it was true, and I answered—Yes.

Q. If colonel Wardle had not asked you to tell him, had you any intention of mentioning it yourself?

A. Perhaps I might, and perhaps not.

Q. Had you any particular object to answer when you mentioned it to him, or to any other person?

A. None whatever.

Q. Had you any end to accomplish by making it known to the public?

A. Certainly not.

Q. Did you ever state that you had any grounds of complaint against the duke of York?

A. My friends know that I have grounds of complaint against him.

Q. Did you ever state them to any person?

A. No, I never did.

Q. Did you not state, that if his Royal Highness did not settle your demands upon him, that you would expose him publicly?

A. I told Mr. William Adam, in a letter, that if he did not pay me my annuity regularly, which he and the Duke of York had promised me, that I would expose the letters of his Royal Highness, which he had at different times sent me. That was all I said.

Q. Did you not, at various times, say to different people, that if the Duke of York did not come to your terms, that you would expose him?

A. No, never in my life, to any person whatever, nor should I willingly do it now. Mr. Adam was very angry at the letter I sent him; and that's all I ever did.

Q. Was it only one letter wherein you threatened to expose his royal highness?

A. I wrote two letters.

Q. Did you threaten to expose the Duke in both these letters?

A. Yes,

A. Yes, but they were never sent.

Q. What became of them?

A. I suppose Mr. Adam has got them both by him, and he can produce them?

Q. In those letters did you say, that if your solicitations were not complied with, that you would expose the Duke?

A. I wish you would ask Mr. Adam for the letters.

Q. Did you ever state to other persons that if your demands were not complied with, that you would expose the Duke of York?

A. No, I never did, I am quite certain.

Q. Did you ever tell Mr. Wardle that you wanted two hundred pounds for any particular purpose?

A. No, I did not.

Q. Did you ever say to Mr. Robert Knight, that the Duke of York had ill treated you, and that you was determined to expose him?

A. No, I did not.

Q. You are sure you did not say so, nor any thing like it?

A. I told him I that should be compelled to publish the Duke of York's letters to enable me to pay my creditors, which he had refused to pay.

Q. Did Mr. Knight pay you a visit voluntarily, or did you send for him?

A. I do not recollect.

Q. Upon what occasion did you mention him to Mr. Knight?

A. After the Duke of York had sent me a message, in answer to a message I sent him for a few hundred pounds, that I must plead my marriage, or go jail.

Q. When was that message sent to you?

A. About six weeks ago. My lawyer can tell to whom it was sent.

Q. Who is your lawyer?

A. Mr. Stokes.

Q. Who carried the message from the duke to you?

A. A sort of lawyer that lives in Marylebone.

Q. Did Mr. Robert Knight come to you voluntarily, or did you send for him?

A. I was in the habit of writing letters to Mr. Knight, and I dare say he has them still, and can tell whether I sent for him.

Q. Did

Q. Did you not send for him particularly to come and tell him about the duke's letters?

A. I did not.

Q. Did you not mention in your letter to him that you wanted to consult him upon the subject of publishing the duke's letters?

A. It was only a common sort of letter, such as I was in the habit of sending to many gentlemen, as well as to Mr. Knight.

Q. You say you are married?

A. I am.

Q. You gave out that you were a widow?

A. The duke of York told me to do so, but that is of no consequence at all. Mr. Adam can tell who I am.

The question was repeated, and the witness was ordered to answer it by the Chairman.

A. I am a married woman.

Q. How long?

A. I refer you to Mr. Adam, who has my marriage certificate.

Q. How long have you been married?

A. Fourteen or fifteen years.

Q. Is your husband living?

A. I don't know.

Q. Have you not sworn yourself to be a widow?

A. No, I have not, but the Duke of York believes that I did, and he has threatened to have me punished for it. When I sent to him for a few hundreds, he sent me for an answer, that he should have me put in the pillory or the Bastille, for falsely swearing that I was a widow, when I gave evidence on a court-martial. But the fact was, that I stated to the deputy-judge advocate, who shewed me greater kindness in taking my evidence, than the gentleman who is now examining me is disposed to do, that I wished myself to be described as a widow, as I did not wish to tell I was a married woman, and the Duke of York, under whose protection I then lived, was also a married man. I mentioned this to the deputy judge advocate, at a dinner table, and he entered it in his notes, but I never swore to it.

Q. Who brought that last message from the duke of York?

A. A particular friend of the duke of York.

E

Q. What

Q. What is his name?

A. One Taylor, who is a shoe-maker in Bond street.

Q. By whom did you send your message for a few hundreds?

A. By my pen.

Q. By whom did you send the letter?

A. By the *Ambassador of Morocco*.*

The house frequently laughed at the answers given by the witness to several questions put to her.

The CHAIRMAN addressed her and said, that "her answers were frequently unbecoming the dignity of that assembly, and that if she did not answer in another manner, he should feel it his duty to pass a very severe censure upon her." Ordered to withdraw.

Mr. ADAM stated, in her absence, that it was his wish that no questions might be put to her which might embarrass her answers.

The witness was again examined by the Attorney-General.

Q. Did you not say to Mr. Adam that you was married?

A. I said so, but only laughed at it.

Q. Did you not persevere in it?

A. I told him that I only mentioned it as a joke.

Q. Did you not learn that Mr. Adam had acted upon the belief that you were a married woman, from the inquiries he had been induced to make.

A. Mr. Adam, nor any other person, can say that I acted incorrectly whilst I was under the Duke's protection.

Q. Did you not represent your husband as the nephew of Alderman Clarke?

A. He told he was so.

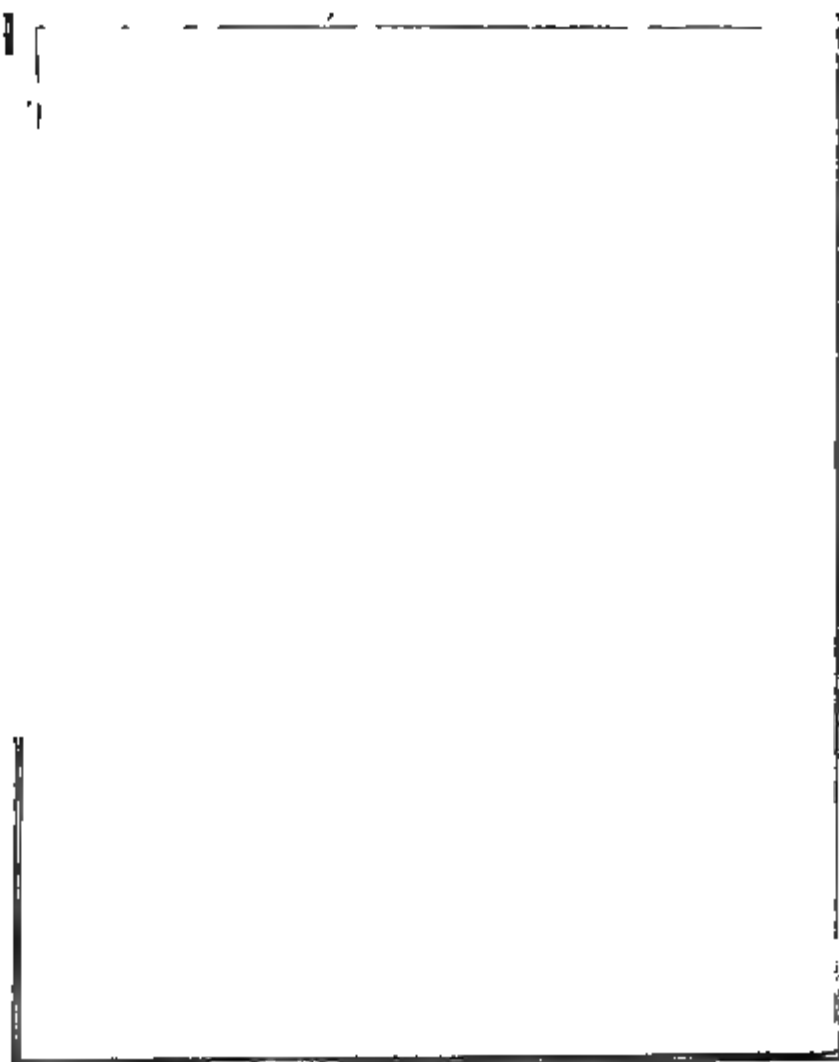
Q. Did you ever see Alderman Clarke?

A. I never saw any of Mr. Clarke's relations, but two of his brothers, and his sister; I have seen the Alderman sometimes about, as any body else might have seen him.

Q. Do you now believe that your husband is nephew to that gentleman.

A. I never enquired since I quitted him. He is nothing

* Meaning the shoe-maker.



Engraved by H. Wood from a sketch by Rev. W. L. G.

W. L. G.

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to me, nor I to him. I have not seen him for three years; when he threatened an action against the Duke.

Q. What business is your husband?

A. He is nothing but a man.

Q. Is he not a stone-mason?

A. No.

Q. Did you ever live in Tavistock-place?

A. Yes.

Q. When?

A. I do not know.

Q. Did you ever live in Park-lane?

A. Yes.

Q. Did you live any where else between these two periods?

A. I do not recollect. The Duke might have taken me to some other houses.

Q. When did you first know the duke?

A. I beg to be excused.

Q. When did you first know the duke?

A. I don't recollect.

Q. Why did you wish to be excused?

A. That was my only reason. I do not think it a fair question, and I am a married woman, and have a family of children to bring up.

Q. Do you mean to say, that you was under the Duke's protection in Tavistock-place?

A. I lived there some time with my mother.

Q. Did you not represent yourself in that neighbourhood to be a widow?

A. No, never but at the court-martial, and then I did it with a view of saving my own reputation, that of my family, and that of the Duke of York.

Q. You never represented to tradesmen that you was a widow.

A. No.

Q. Did you not state to Mr. Knight that you intended to write a memoir of your life for the last fourteen or fifteen years, and that you had put it into the hands of those who would publish it?

A. I don't recollect what I said, but refer to the letters, and that will shew it.

Q. You mentioned it to several other people beside Mr. Wardle and Mr Knight. Who are they?

A. Indeed I dont recollect.

Q Was any person present when you mentioned it to Mr. Wardle?

A. I cannot undertake to say. I believe there was a lady but there was no man.

Q. Did you not mention it to any other man besides Mr. Wardle?

A. I don't recollect.

Q. Do you know major Hogan?

A. No I never saw the man; but Mr Greenwood sent me a message, saying that he was very sorry that I knew a man of the name of Finnerty, whom I had known at Margate about nine years ago.

Mr. Croker. Q. Do you recollect what gentleman the Duke meant whom he knew to be a bad subject?

This question was objected to and abandoned.

Mr. Croker. Q. The witness has stated that a conversation took place between her and Mr. R. Knight on the subject of the memoir; she is now requested to state to the house what that conversation was?

A. Mr. R. Knight spoke to me about the memoir certainly, but the purport of his conversation was, that if I were about publishing the memoir that I would spare his brother.

Q. Did any other conversation occur about that subject, upon that occasion? A. No.

Q. Did witness make any inquiry of Mr Knight, further relative to the business in that conversation?

A. No.

Q. Has witness been in the habit of seeing colonel Wardle frequently since this inquiry was first instituted?

A. Yes.

Q. How long since any conversation took place between witness and colonel Wardle upon the subject of the inquiry?

A. Not long.

Q. Has the conversation with colonel Wardle upon this subject taken place since Friday last?

A. The conversation between colonel Wardle and me on this subject, took place before Friday.

Q. Did

Q. Did witness see colonel Wardle since Saturday last?

A. I saw colonel Wardle at the opera on Saturday.

Q. When did witness first know that colonel Wardle mentioned the business first in the House of Commons?

A. When I first saw the newspapers, and when I saw him after, I expressed myself angry with him.

Q. Did not witness see colonel Wardle on Saturday last, when she first saw the newspapers?

A. I do not recollect.

Q. Did she see colonel Wardle on Sunday last?

A. I saw him almost every day or every second day.

Q. When had witness the last conversation with colonel Wardle about the business?

A. When I received the summons to attend the House of Commons.

Q. Did witness see colonel Wardle yesterday?

A. No, not yesterday.

Q. Is witness certain of that?

A. Yes, I am certain.

Q. Did witness see colonel Wardle in the forenoon of this day?

A. Yes I did, two or three times.

Q. Has witness had any conversation with colonel Wardle on this subject within these three last days?

A. I had a conversation with colonel Wardle about my attendance here, and he said, that if I did not attend, the house would commit me, as they had committed some sheriffs before.

Hon. Mr. Lyttleton. **Q.** Did witness, in shewing the note to the Duke of York, mention to him from whom she received it?

A. Certainly.

Q. Did witness have any conversation respecting Finnerty, excepting with Taylor?

A. I was given to understand by Taylor that he was one of the pamphlet writers; but had no knowledge otherwise of Finnerty; never had any communication with him.

Sir A. Pigot. **Q.** Did witness see Mr. Biddulph and Mr. R. Knight?

A. Yes.

Q. Did Mr. Knight call on witness after she received the two hundred pounds?

A. Yes.

Q. Did witness, in any of her conversations with Mr. R. Knight, signify a wish that the transaction which had occurred between her and Mr. Knight should be concealed from the Duke of York?

A. Never.

Q. Then if any one had said that witness had asserted such a thing, the person saying so, must say that which is false?

A. Certainly.

Lord Folkestone. *Q.* Witness is requested to state what was said in the note conveying the two hundred pounds?

A. The note was sent with two hundred pounds, with Dr. Thynne's compliments, and I gave the man a guinea who brought it to me.

Q. Does the witness know the man who brought her the two hundred pounds?

A. No, I never expected to be called upon about it. I thought it was Dr. Thynne that sent it.

Q. The witness has stated, that between the time of the application and the exchange taking place, there were but a few days. She is now requested to say, whether that means between the time Dr. Thynne made the application, or between the time she made the application to his Royal Highness, and the exchange being gazetted?

A. Immediately after the application was made to me I applied to the duke, and took the opportunity after dinner to mention it. The exchange was accordingly gazetted in a few days.

Q. Did the witness entertain any reason to conceal, or did she in fact ever conceal from his Royal Highness the Duke of York the visits of Mr. R. Knight?

A. I never concealed the visits of Mr. Knight, or any other gentleman from the Duke of York.

The Chancellor of the Exchequer. *Q.* Witness has stated that colonel Wardle got acquainted with the subject of Mr. Knight's business, and that of others by means of letters; how did colonel Wardle get possession of these letters?

A. He took them up, read them, kept them, and I never could get them back.

Q. How

Q. How did these letters come in the way of Colonel Wardle?

A. I was removing some articles, and among them papers, and these happened to be lying loose, and he took them.

Q. Did he take them away with the consent of witness, or without her authority?

A. He did not take them by my consent.

Q. Were these letters written to witness by the Duke of York?

A. No.

Q. Whose letters were they?

A. They were from different friends.

Q. Did witness ever hear of an offer of money from the Duke of York for suppressing the publication of these letters, or make one?

A. Never.

Q. Did witness ever threaten to put these letters into hands that would make them public, unless certain claims the made were complied with?

A. Never. I never wrote to any one but to Mr. Adam on the subject, and he has my letters, let him produce them.

Lord Stanley. **Q.** Was the Duke of York present when witness received the letter that contained the 200l.

A. No.

Q. How soon did witness tell the duke of it?

A. The same day.

Sir Francis Burdett. **Q.** Did witness receive any other monies for transactions of a similar description with those mentioned by Mr. Knight?

A. I did not expect to be examined as to any other subject this night.

Here the witness was permitted to withdraw.

A conversation then took place, by way of mutual explanation, between Mr. Beresford, Mr. Wardle, and Mr. Whitbread; which ended in Mr. Sutton, the deputy advocate general, being called, whereupon Mr. Wardle rose, and having signified that Mr. Sutton was not in attendance, he would be prepared to proceed further the next day.

WILLIAM

WILLIAM ADAM, Esq. a member of the House, was examined in his place as follows:

Q. You have heard the account which the last witness has given of the part you took in this transaction; will you give your own account of it?

A. I wish to state to the committee, in answer to the question put to me by the honourable and learned gentleman over against me, that, I believe, in the year 1789, I was first desired by his Royal Highness the Duke of York to look into some concerns of his. From that time to the present period I have continued my attention to those concerns, and I have continued it upon the ground that I stated the other night to the house; namely, that it is not professional, that it is not attended with any emolument whatever, but it has been perfectly gratuitous on my part. I felt it a duty, when engaged in it, to discharge all of it, and every part of it, with as much fidelity, accuracy, and attention as I could. It came to my knowledge, late in the year 1805, that the husband of the person who has been examined at the bar, threatened an action for criminal conversation against the Duke of York: it was necessary to inquire into the circumstances of the case; and it fell to my lot, from the communications which I had had upon other subjects with his Royal Highness, and from the intercourse which had constantly and invariably subsisted (if I may use the expression) between his Royal Highness and myself, that I should give direction for those enquiries. In the course of these directions, and in the matter that was laid before me in consequence of the investigation, I had reason to believe, that the conduct of the person who has been examined at the bar had not been so correct as it ought to have been, and that it had a tendency to prejudice his Royal Highness's interests, not his character in a military point of view, or in a public capacity, but his interests and his name with regard to money: This led to further inquiry; and I conceived it to be my duty to intimate the result of these things to the Duke of York: I found the Duke of York not inclined to believe that there could be any thing wrong in that quarter, and that he continued of that opinion almost to the last, till the very close of the connection; and that the connection, as the facts will shew, closed in consequence of his conviction, that

that that investigation had disclosed the character of the person who has just been examined. The transactions of a pecuniary nature, as I have stated, had no relation to any thing like the subject of this enquiry: these transactions came to be brought more directly home to his Royal Highness's attention by a fact which I could state, if it were fit, according to the rules of evidence; but it would be stating hearsay evidence, and that hearsay evidence of the party whose conduct is the subject of inquiry: I state it merely to make my evidence intelligible. I then directed the enquiry more at large, and had an accurate investigation made by employing Mr. Lowton, an eminent solicitor, who employed Mr. Wilkinson, as the person that he generally gets to superintend business until it is brought forward in proper shape, he not having leisure for those parts of his business. By Mr. Wilkinson, to whom the person at the bar alluded, these investigations were completed; and when they were completed, they were, I think, either upon the 6th, 7th, or 8th of May, 1806, submitted in detail and in writing, to his Royal Highness, accompanied with the proofs: it was an unpleasant task, because it is not pleasant to state to any person that which is contrary to their inclinations and their feelings; but it was a thing that I thought I was bound, in the discharge of my duty to the Duke of York, to do exactly in the manner in which I had received the information. This information was considered. In the course of it, his Royal Highness, wished that I should have an interview with the person who has just been examined; I accordingly agreed to have that interview, because I considered that no unpleasantness that might afterwards, or at the time, arise to myself, should prevent me from following up the business, and extricating that Royal person from the person with whom he was at that time connected. Upon the score of those representations, I had this interview: it was an interview not of very long duration; but, of course, I conducted the conversation to those points which led me to discover how far, with perfect accuracy, there was truth or falsehood in the information which I had obtained in the manner I have stated. It had been represented to me, that this person, had defended an action as a married woman, having obtained the property for which the action was brought in the character of a widow,

widow. Investigation was made with regard to the place of her marriage; and it was found she was married a minor at Pancras. She had represented, at different times, that her mother was of a family of the name of Mackenzie; that her father was named Farquhar; that they lived in the neighbourhood of Berkhamstead, and that accounts would be had of the family there. The Berkhamstead register had been examined with that view, and it was examined with accuracy for forty years back. In the course of the conversation I had with her in the first interview, I took occasion to ask her where she was married; and she stated to me, seriously and distinctly, that she was married at Berkhamstead. I then took occasion to put some questions with regard to the register at Pancras; and I took occasion likewise to state what I knew with respect to the registers of births, burials, and marriages at Berkhamstead; and from the impression it made, I came away with a conviction in my mind, that those facts which had been stated to me upon the investigation I had directed, were correct and true; because no doubt remained upon my mind from her demeanour and conduct upon that occasion. She stated seriously that her marriage was at Berkhamstead. She likewise stated, in that conversation, that her husband was a nephew of Mr. Alderman Clarke, now the chamberlain of London. I know, from the same investigation, that that was equally incorrect with the other. In a few days after this, his Royal Highness's mind being made up to separate himself from this person, I was again asked by his Royal Highness, whether I had any difficulty in undertaking the communicating to her his determination. My being to wait upon her was announced in a short letter, from the Duke of York to her; and I accordingly, from the same motive which I have already stated, and feeling it to be a duty, as I had commenced the transaction, which was to lead to this, not to flinch from any personal inconvenience, or any unpleasantness which might arise at the time, or in future, to make the communication; I made the communication, and I accompanied it with this declaration, that the duke of York thought it his duty, if her conduct was correct, to give her an annuity of 400*l.* a year, to be paid quarterly; that he could enter into no obligation in writing, by bond, or otherwise, that it must rest entirely upon his word to be performed

performed, according to her behaviour, and that he might therefore have it in his power to withdraw the annuity, in case her behaviour was such as to make him consider that it was unfit it should be paid. That was the nature of the proposition which I made, and no other. The conversation lasted for a very short time. I left the lady, and I have not seen her from that time to the present moment. These circumstances seem to me in the narration, all that is necessary to be stated with respect to the part of the transaction in which my name has been so frequently used. There are, however, two other matters, the one in which my name was used when it was first introduced, and the other respecting a particular person, upon which I wish to state the facts to the committee. I did, at some time in the year 1808, receive a letter, I think the 11th of June; I will not be quite sure about the date, but I think it is marked, in my own hand, the 11th of June 1808, which is the letter which has been alluded to. I am not in possession of the letter, I gave it into the same custody that had the papers which constituted the investigation I have stated; that letter I shall state nothing of the contents of; I only mean to say, that letter is in a situation to be produced, and, I suppose, from what has passed, there will be no necessity for any thing more. The other fact to which I wish to speak, is with respect to the persons to whom I employed. With respect to Mr. Wilkinson, the committee have already heard the manner in which he has been employed, and those who know him, know his capacity for that employment. With regard to the other person, of the name of Taylor, I can only say that I never happened to see that person in the whole course of my life. If, in what I have stated, in which the facts only can be considered as evidence, but which I have endeavoured to make intelligible by connecting circumstances, any thing has arisen for any question to be put to me, I am most anxious that all, or any gentleman in the house should call upon me to answer it. The separation took place upon the 11th of May, 1806; the transaction, which has been examined, took place in July, 1805.

Q. Did you guarantee this annuity?

A. Never: I stated that it was to depend entirely upon her behaviour, and not to be guaranteed, because the Duke
of

of York was to be at liberty to withdraw it, in case of her behaviour rendering it proper so to do.

Q. Was the promise, whatever it was, made to her in a letter written by you.

A. That was what I stated in conversation.

Q. When you announced the separation, it was not by a conversation, but by a short letter written to her?

A. I did not state that the short letter was written by me, but that the short letter was written by the Duke of York. On subjects of this kind, not having had any opportunity of refreshing my memory, I may not have been perfectly correct in trifling particulars, but now I can state, that the only letter I ever wrote to her was a very short note, that I was coming to wait upon her in consequence of the Duke of York's wishes that I should do so.

Q. Did Mrs. Clarke appear exasperated at the separation?

A. She appeared very much surprised at the communication; she did not appear exasperated, but she declared her determination to see the Duke of York again; and I collected, from what she said, that she expected to be able to prevail upon him to receive her again under his protection.

Q. Did she know that you had been active in explaining the nature of her conduct to the Duke of York?

A. I had every reason to believe so; I do not know it of my own knowledge.

GWYLLUM LLOYD WARDLE, Esq. a Member of the House, was examined in his place, as follows:

Q. Had you only one short conversation with Mrs. Clarke upon the subject of to-night's inquiry?

A. That is a difficult question to answer exactly, there are such variety of cases I have talked over with her from time to time. I do not know exactly the time when I talked this case over with her; I had heard of it before, and, in short, got out of her more than she told me voluntarily. She attacked me very warmly with respect to another case, which I mentioned, and I believe she spoke generally of the whole. When the matter was talked over between us, I took my pen and ink, and entered every thing, which passed.

passed, in a book. I do not believe that I have altered any part of what I entered. I believe I never had but one pointed conversation on this case; whether, in speaking of other cases, I have touched upon that, I cannot say; the case has remained in that book ever since; and I took a copy the other day, from that book, of what I had written.

Q. What you stated to the house, was what you had collected from Mrs Clarke?

A. What in part I had collected from Mrs. Clarke, and in part from other quarters.

Q. Did you state to the house any thing as having passed between Mrs. Clarke and those persons who were immediate agents in this transaction, except what you collected from her?

A. I fancy, a good deal. I know some points; but I believe a good deal of the main points were stated from the book, which I had written, when I had conversed with her upon the subject.

Q. Did she state to you that this passed on the 25th of July?

A. No, she did not, certainly. I do not think she was at all aware of this positive date. I remember, at the time of the conversation, she mentioned the circumstance of Lord Chesterfield's christening, and seemed guided by that; that his Royal Highness was going down to that christening; and, by that, she made out the period to be in July, when the transaction took place.

Q. Upon what authority did you state, with particularity that this took place on Thursday the 25th of July; this agreement for the two hundred pounds?

A. She, upon taking note of that christening, and taking note of the Gazette also, was positive then in her assertion (I remember perfectly well) that the thing was proposed on the Thursday, and done on the Saturday; that was her positive assertion, from the first to the last; and that it was that led me to state it.

Q. I understand you to have stated, that she did not state it to be on the 25th?

A. She did not, in the first instance; the Gazette was
No. II. F found,

found, and the moment it was looked into, she was so positive as to the Thursday and the Saturday, that no doubt remained upon her mind.

Q. Have you a particular recollection, that it was at last brought to the Thursday, the 25th of July?

A. I have really no further recollection; I have no other guide.

Q. Do you remember that it was the Thursday preceding the Saturday on which the Gazette was published?

A. I do not know how to make the matter clearer; these were the two points that guided me in my assertion; if I was wrong in my assertion, it was a blunder arising from that.

Q. Is the Committee to understand, that, while Mrs. Clarke and yourself were seeking to fix the day on which this transaction took place, the Gazette was found; and, that finding the date of that, and considering the time which had preceded it, you fixed the date on which the offer was made to be on the Thursday preceding?

A. I mean merely to assert, that, from the evidence Mrs. Clarke gave me, and from the information I got from the Gazette, I fixed that it must be on the very day I mentioned; I had no other guide to go by of one description or another; and I do not see that I am to stand here, however willing I may be, after the very heavy examination which that Witness has gone through, which, I believe, many gentlemen may think with myself, must tire any gentleman; I do not feel disposed to submit to the same sort of discipline; she never did, to the best of my recollection, give me any other date than that I have mentioned,—the christening of my Lord Chesterfield; and I remember her stating, that the thing was petitioned on the Thursday, and done on the Saturday; more than that I really do not recollect on the subject. Any question which I can answer, I shall be willing to answer, but I do not know how further to answer that. I afterwards inquired, and ascertained, when that christening was; and, from that and the Gazette, I mentioned the date, which I thought was correct; whether it was or not, I cannot state.

Q. The

Q. The Gazette was referred to as a medium of proof at the time?

A. No; I referred to the Gazette since.

Q. Was that in the presence of Mrs. Clarke?

A. No, it was not.

Q. Was that circumstance communicated to her?

A. Not by me; I do not know that it was?

Q. I understood you to have said, that you and Mrs. Clarke upon referring to the Gazette, and other circumstances which occurred to you, fixed, that the time must have been about Thursday, the 25th of July?

A. Then I said what I did not mean; the conversation was respecting the christening; I made enquiry when the christening was of a friend or two of my own; and I mentioned it from that: whether between that period and this I may have named the date to her, or she got it from another quarter, I cannot say; that of the three days was all the information that I obtained from her as to the date.

Q. Is it true that you took away some papers from Mrs. Clarke against her will, and without her consent?

A. I certainly did take some letters away from Mrs. Clarke, which I did not believe she exactly approved at the moment; I did it in that sort of way, there was no force in the business; but amongst papers, she was in the habit of giving me letters respecting the cases; and she gave me one or two of Mr. Donovan's: there were one or two of Mr. Donovan's, and one or two of light moment from another quarter on the table. I said, I will take this away; and she said, those are from a friend of mine, and he must not be touched; that made me curious about the letters; and they were certainly letters of very great moment: I have had them in my possession ever since.

Q. Mrs. Clarke had been in the habit of communicating letters to you upon this subject before that time?

A. One or two letters, not relative to this case; but one or two letters much about that time, just about that period, she communicated to me.

Q. Relative to the Duke of York?

A. No, not relative to the Duke of York; that had nothing at all to do with this business.

Q. Why was it that he was not to be touched?

A. It was Mr. Donovan's.

Q. Did Mrs. Clarke ever state to you, that she had stated to his Royal Highness the Duke of York her wishes to go into the country, and that those wishes might be gratified without any expence to his Royal Highness, as an opportunity had occurred to her of obtaining the sum of two hundred pounds.

A. No; she stated to me, to the best of my recollection, that she wanted to go into the country; that she told his Royal Highness that there was two hundred pounds could be had for that exchange, and that she got it, and went in consequence. I do not recollect any thing further.

Q. Did she inform you that she had stated this to his Royal Highness the Commander in Chief, previous to the receiving the two hundred pounds and with a view to obtain his Royal Highness's consent so to receive it?

A. I understood that she had stated, three days before the occurrence took place, that she should have a pecuniary consideration; that that pecuniary consideration was two hundred pounds, and that she went into the country immediately after she received it. I understood her that she had told his Royal Highness that a pecuniary consideration was to be given for the exchange, and that that pecuniary consideration proved to be two hundred pounds; that that was told him on the day when the application was made, which I understood from her was three days before it took place.

Q. Three days before the person was gazetted, or three days before the two hundred pounds was received?

A. Three days before the person was gazetted; I understood the person was gazetted, and the money was received, on the same day, or the next day.

Q. Did Mrs. Clarke state to you, that she had stated to his Royal Highness the Duke of York, previously to her actual acceptance of the offer of two hundred pounds, that such an offer, in fact, had been made to her, and that the acceptance of it would enable her to go into the country, which she desired to do?

A. I understood from her, that when she made the request

quest to the Commander in Chief, she had mentioned to him that she was to receive a pecuniary consideration; as to the going out of town, that was a fixed thing before; they were both going out, as I understood; but in justice to her I will state what I this moment recollect, that a few days ago, after my motion, she stated that I had been very incorrect, if the papers stated truly what I said, and whether it was that, or what other circumstance, I will not undertake to say; but to the best of my recollection, I understood from her, that on the day she made the application, she gave the Commander in Chief to understand, that a pecuniary consideration was forthcoming for the exchange.

Q. Did you receive any other information from any other person than those who have been examined here to-night, and Colonel Knight, as to this point, upon which you founded the statement which you made to the house?

A. I had, as I have before stated to the House, had other information from other quarters; it will not become me to state to the House who those persons were; that I conceive would be very indecorous.

Q. Did that expression, which Mrs. Clarke used as to a particular person, who was not to be touched, imply that there were some proceedings to be instituted concerning some other persons?

A. I have no reason to think that she meant any more than exactly what she said, that when I got hold of those letters she knew I was possessed of facts that would touch Mr. Donovan; I do not think she connected any other matter with it,

Q. With respect to those letters which you carried away from Mrs. Clarke's, has Mrs. Clarke since made application to you for those letters?

A. Yes, she has; and was very much enraged with me, particularly for having said what I did respecting Mr. Donovan.

Q. Was the conversation which took place on Saturday, the conversation to which you alluded, in which you received the information upon which you proceeded?

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A. That.

A. That was subsequent to my motion.

Q. Did you see Mrs. Clarke yesterday?

A. Yes, as I have said before, I was in her drawing room, when she had company last night.

Q. She was in that drawing room?

A. Yes, certainly.

Q. Is it possible that she should not have seen you in the drawing room at that time?

A. No, it is totally impossible.

Q. I understand you to say, that being informed that the gazetting took place within two or three days after the original order, you provided yourself with the Gazette of Saturday, in which that appointment appeared; and so calculating backwards, fixed Thursday as the day on which the proposition had been made?

A. I understood from the first, that it was on the Thursday that the exchange had been applied for, and that the business was completed on the Saturday; that is entered in my book in the first conversation, that she understood it was gazetted on the Saturday, or in two or three days.

Q. The Gazette in which this is announced is dated on the Tuesday?

A. Yes, I am perfectly aware of that fact: that is a blunder of her's; but I never heard any one thing to make me doubt that it was so till to-night.

Q. Being asked whether you were not at Mrs. Clarke's yesterday, you answered that you had been there about nine o'clock in the evening; were you not at Mrs. Clarke's house at any prior hour of yesterday?

A. I called at Mrs. Clarke's yesterday morning, she was not at home; I returned in the evening, and had a conversation with her for a few minutes.

Q. Did you merely call at Mrs. Clarke's house; did you not go into it, and wait a very considerable time at Mrs. Clarke's house?

A. I was up in Mrs. Clarke's drawing room for some time in the morning, I did not see her then, but I saw her in the afternoon,

WILLIAM

WILLIAM ADAM, Esq.

was again examined in his place, as follows:

Q. Having mentioned the annuity which was conditionally promised, can you state whether that annuity was actually paid; and, if so, for how long?

A. I can state nothing respecting the payment; I had nothing at all to do with it; I never heard any thing of it from the time when I had the second and last interview.

Q. You have stated, that the annuity was to be continued so long as Mrs. Clarke's conduct was correct; will you have the goodness to explain that term.

A. The term I used I meant in this sense; that her conduct was to be such as not to have any reference to any pecuniary transactions, such as I stated to have been the cause of the investigation, and the subject of the subsequent communication to her by me, that the Duke of York was to have no further connection with her; and I stated in my evidence, that at that time, nor at any time till recently, I had any notion that there were any transactions of this kind in which she had been in any way concerned: Those pecuniary concerns to which I alluded, were the use of the Duke of York's name for the purpose of raising money, so as to involve his credit and character, but not by the sale of commissions.

Q. Do you mean by getting in debt with tradesmen, and borrowing money?

A. Any mode by which she could raise money.

Q. Did you continue from the year 1806, to have the management of his Royal Highness's finances, and his money concerns?

A. I had not properly speaking, the management of any part of his Royal Highness's finances. But I wish to mention this to the House;—the Duke of York, from causes which it is unnecessary to refer to, found his circumstances embarrassed; at a very early period, he applied to me to look into them, and to get matters arranged: he appropriated to that arrangement, as soon as his income was such as to enable him to afford it, a very large sum of money, annually, twelve thousand pounds a year, that was under the administration of Mr. Coutts and myself, as Trustees for the creditors, to settle

settle the payments. From the circumstance of the Duke of York being a mere annuitant, and from other causes, which I should be extremely glad to explain, to render my evidence intelligible, particularly from one cause, that in the arrangement of his estates he had cast upon him the expence of a large inclosure, which by act of parliament he was bound to see executed, which took a great deal of money, and his being under the necessity of buying tithes to a large amount, together with the property tax coming on him, we were not enabled to operate the redemption of the debts by the payment of twelve thousand pounds a year; it was therefore the Duke of York's wish to appropriate a larger sum: this was done, and it is still to go to a greater extent, in the hands of Mr. Coutts and myself, for the same purposes. These are the monies which come within my management, and no other. I know nothing about the Duke of York's private expenditure; I know nothing about the pensions he pays to any one, but only the fund raised for the payment of debts, and also that for the reduction of the debts he owes to the public, a sum of money lent to him from the civil list, when Mr. Pitt was Minister, and which Mr. Pitt and other Ministers suspended the payment of to a certain time, and which was last year begun to be paid: a fund was vested in me for the payment of four thousand pounds a year of that; that will extend to the sum of from twenty-six to thirty thousand pounds a year; and when it is considered that the income tax falls upon that, as well as the whole of his other property, I believe that his Royal Highness will be found to give up as large a sum of money as his present circumstances will afford. These are the only funds which fall under my knowledge, and therefore it is impossible for me to know whether a pension is paid to this or that person; and it is not correct to suppose that I am in the administration of his affairs further than I have stated.

Q Did Mrs. Clarke apply to you at any time since 1806 for the payment of this pension?

A. It is extremely difficult for me to state positively that she did not, but I believe the two letters which she mentions are the only letters I have ever received from her. I cannot undertake to say, in the variety of transactions.

Engraved by Hapwood from a sketch by Richardson

Col. Gordon

Published by J. Struttell at Holborn Hill April 4. 1865

actions I have, that there were no others; the prominent letter was that of the 11th of June, 1808, which I immediately indorsed, and delivered over to Mr. Wilkinson.

COLONEL GORDON.

Q. Do you hold any office under the Commander in Chief?

A. Yes, I do.

Q. What is it?

A. His Military or Public Secretary.

Q. Does the business of exchanging commissions pass through your office?

A. It does.

Q. Can any transaction of that nature pass without your knowledge?

A. It is quite impossible.

Q. Do all the documents by which the persons, who apply to exchange, or recommended, pass through your office?

A. They do.

Q. Do they pass first under your examination and consideration?

A. Generally; I might also say always.

Q. Do you report the result to the Commander in Chief?

A. Most undoubtedly, without fail.

Q. How long have you held the office that you do at present?

A. About four years and a half.

Q. Did you hold it in 1805?

A. I did.

Q. When any exchange has obtained the approbation of the Commander in Chief, is there a minute made of it?

A. Always.

Q. After that, are the commissions made out pursuant to that minute?

A. After an exchange, or any commission has obtained the approbation of the Commander in Chief, it is immediately submitted to the consideration of his Majesty; after his Majesty's approbation and signature has been affixed to the paper so submitted, it is sent to the Secretary at War, for the purpose of having commissions made out corresponding

corresponding to the names placed in that paper previously submitted to the King, and then to be put in the Gazette.

Q. Are the commissions also signed by his Majesty before they are gazetted?

A. No; perhaps I should explain, that they are made out in the War-office after the gazetting: the gazetting is the immediate act following the signature of the King, a notification to the army, that his Majesty has approved of those appointments, and he desires his Secretary at War to prepare the commissions accordingly: they are made out more at leisure.

Q. You will see mentioned in the Gazette the exchange between Colonel Knight and Colonel Brooke; when did that exchange receive the approbation of the Commander in Chief?

A. On the 23d of July, 1805.

Q. When you say that the approbation took place on the 23d of July, 1805, you refer to some document in your hand; is that any memorandum made in your office?

A. It is.

Q. Is it the course of your office, that, when the approbation of the Commander in Chief is signified, there should be a memorandum made of it?

A. I think I may say invariably.

Q. Was the approbation of the Commander in Chief to this exchange finally obtained on the 23d of July?

A. It was.

Q. Do you keep records in the office of all the applications that are made for promotions or exchanges?

A. Yes, I do, very carefully; and every paper of every kind, and every sort, that comes into that office, I preserve with the greatest possible care.

Q. Is that paper which you hold in your hand, the original document which is brought from your office?

A. Yes, it is.

Q. That which you hold in your hand being the original document which you brought from the office, is it also the document to which you just looked, and declared that the approbation of the Commander in Chief was obtained on the 23d?

A. Yes.

A. Yes, it is the only paper I have looked at since I entered this house, except the Gazette.

Q. You have stated, that you keep an account of all the applications that are made for promotion or for exchange, and that that is preserved in the office?

A. I did state it so.

Q. Could you, upon any other occasion, with reference to any other exchange, as you have with reference to this, find the memorandum which denoted the time at which the approbation of the Commander in Chief was procured?

A. Yes, I think I could, with the same facility with which I have put my hand upon this.

Q. Are you able to state who recommended Colonel Knight and Colonel Brooke for that exchange?

A. This paper, with your permission, I will read it: it will speak for itself.

[Colonel Gordon read, and then delivered in a letter, from Messrs. Greenwood and Cox to himself, dated Craig's-court, July 1st 1805. *

2. Is

(a) BROOKE'S SERVICES.

Cornet, 8 Dns.	29 June	93
Lieut. 88 F	7 Oct.	93
Capt. Ind. Co.	14 Dec.	93
—96	25 Mar.	94
Maj.	13 Dec.	94
Placed on half-pay	Mar.	98
Bt. Lt. Col.	1 Jan.	1800
Maj. 48	24 May,	1804
Cancelled	9 June,	1804
Maj. 56	5 Jan.	1805

* 23 July 05

H. R. H. does now approve of this exchange.

Colonel Knight, stating, that he is satisfied with the security given for payment of the regulated difference between the value of the two commissions; and being informed the counterpart of the exchange has been sent through the Agents of the 5th Dragoon

* C. L.

cannot be acceded to, H. R. H. does not approve of the exchange proposed.

Sir,

By direction of General Norton we have the honour to inclose a form, signed by Brevet Lieutenant Colonel Brooke of the 56th regiment, to exchange with Brevet Lieutenant Colonel Knight of the 5th Dragoon Guards, together with a copy of a letter from Lieutenant

* The Words in *Italics* are in Pencil Marks in the Original.

Guards

Q. Is it your course, upon a recommendation of this sort being put in, to enquire into the merits of the applicants?

A. Most undoubtedly, in every case; but particularly in the case of field officers of regiments.

Q? Is it your course to report to the Commander in Chief the result of those inquiries?

A. Invariably.

Q. When the Commander in Chief has ever drawn a different conclusion upon the facts stated, than that which you have drawn, has it always been the course to assign to you a reason for that?

A. I think he has; but if he did not, I should most undoubtedly have taken the liberty to have asked him?

Q. Where, in such a case, no reason has been assigned, are you certain that you have always asked him?

A. Most undoubtedly.

Q. In this case, have you any doubt that you made the necessary inquiries upon the representations made to you by this memorial?

Guards, you will be pleased to submit the same to Field Marshal his Royal Highness the Duke of York.

We have the honour to be,

Sir,

Your most obedient, humble Servants,

GREENWOOD AND COX.

Craig's-court, 1st July, 1805.

Lt. Colonel Gordon,

&c. &c. &c.

I beg you will be pleased to obtain for me his Majesty's permission to exchange with Brevet Lt. Col. Knight of the 5th Dragoon Guards.

In case his Majesty shall be graciously pleased to permit me to make the said exchange, I do hereby declare and certify, upon the word and honour of an officer, and a gentleman, that I will not, either now, or at any future time, give, by any means, or in any shape whatever, directly or indirectly, any more than the regulated difference,

I have the honour to be,

Sir,

Your most obedient, and most humble Servant,

W. BROOKS,

Bt. Lt. Col. & Major 56 ft.

To the Colonel, or Commanding Officer,
of the 56th Regiment.

I approve of the above exchange, and, I verily believe, no clandestine bargain subsists between the parties concerned.

C. Norton, Colonel.

A. None

A. None whatever; I am quite positive that I did do so.

Q. Was the ultimate approbation of this exchange the result of those enquiries?

A. I firmly believe so.

Q. Do you firmly believe that it was in consequence of your report to his Royal Highness?

A. Yes, most decidedly I do.

Q. If his Royal Highness, in approving this exchange, had acted otherwise than according to your report, is it possible that that fact could have escaped your memory?

A. It is some time since this exchange took place; but I am much in the habit of transacting business of this kind, and I do not think that it could have escaped my memory.

Q. Would it have struck you as an extraordinary and unusual transaction, if the Commander in Chief had acted contrary to the result that was drawn from the communications made by you, without assigning any reason for it?

A. Unless his Royal Highness had assigned a reason for it, it certainly would have struck me as very extraordinary.

Q. Have you any doubt upon refreshing your memory as well as you can, by all the papers you have, and recalling the facts to your recollection, that the approbation of his Royal Highness was gained to this exchange, as the result of the memorial presented to you, and the inquiries made by yourself, and communicated to his Royal Highness?

A. I cannot doubt it for a moment.

Q. This representation, I observe, is made on the first of July, and it is not completed till the 23rd; do you find that there was any delay in bringing the business to a conclusion, and that it was at first stopped?

A. Yes, there was, and it was stopped.

Q. Are you now able to state, from your recollection, upon what ground it was at first stopped?

A. To the best of my recollection, it was stopped upon this ground; upon referring to the services of the respective officers, as is invariably the practice, I found that the services of Lieutenant-colonel Brooke, for the last seven years, had been upon the half-pay; consequently, it became necessary to make more than usual inquiries respecting colonel Brooke, before he could be recommended for

the situation of major to a regiment of cavalry; when those inquiries were made, and I was satisfied that colonel Brooke was a fit and proper person, I made that report to the Commander in Chief; and as I have said before, I believe it was upon my report so made, that the Commander in Chief acceded to the exchange.

Q. Are you quite sure that there was no difficulty or rub on the part of colonel Knight?

A. I am perfectly sure; if the house will permit me, I will read my answer to colonel Knight upon this subject.

[Colonel Gordon read, and then delivered in, a letter from himself to colonel Knight, dated the 21st June, 1805, viz.]

" SIR,

Horse Guards, 21st June, 1805.

" Having laid before the Commander in Chief your letter of the 19th instant, I am directed to acquaint you, that his Royal Highness has no objection to your exchanging to the Infantry, receiving the difference; and when an eligible successor can be recommended, your request will be taken into consideration.

" I am, &c.

(Signed)

" J. W. GORDON"

" Bt. Lt. Col. Knight,
5 Dgn. Gds

The eligibility, therefore, must have depended upon colonel Brooke.

Q. Then I am to understand from you, that colonel Knight had made an application to exchange, previous to this memorial presented by Greenwood and Cox, in the name of general Norton?

A. Yes, he had.

Q. And that by this letter of the 21st of June, it was signified to him, that his proposal was accepted; if an eligible successor was found?

A. Certainly.

Q. You are satisfied that the delay arose from the doubt with respect to colonel Brooke?

A. I have so stated it.

Q. Have you any doubt that you pursued the necessary inquiries for clearing up that difficulty?

A. None

A. None, whatever.

Q. Have you any doubt that the approbation of the Commander in Chief was ultimately obtained, in consequence of those inquiries having cleared up the difficulty?

A. None, whatever; I understood that I had stated that before.

Q. Was there any greater delay in this case, than was necessary for the purpose of prosecuting such inquiries?

A. None whatever; similar delays occur in similar transactions, almost every week.

Q. Was there any thing, from the beginning to the end of this transaction, which distinguishes it from other transactions of the same sort, relative to the same kind of exchanges?

A. Certainly not; I was much surprised, when I heard of the difficulty first started in this Honourable House, about three nights ago.

Q. In any conversation that you have had, upon the subject of this exchange, with the Commander in Chief, do you recollect a wish being expressed, that the conclusion of the exchange might be expedited?

A. No, certainly not; the expression of such a wish would have been very futile, for it would not have expedited the exchange one half instant; it would have gone on in the usual course.

Q. Do you recollect instances upon the part of the Commander in Chief, since you have been in office, tending to create a greater expedition than the necessary course of official business permits?

A. Never in the current business of the office. I beg to explain to the house: the common business of army promotions is laid before the King once a week, and never twice a week: When any expedition is fitted out, and that officers are suddenly appointed to such expeditions; then, and then only a separate paper is submitted to his Majesty, with their names exclusively, and they are not included in the common weekly paper.

Q. Are the committee to understand, that, in the ordinary course of military promotion or exchange, the office is always permitted to take its course?

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A. Invariably;

A. Invariably ; I never recollect an instance to the contrary.

Q. You have stated, that colonel Brooke had been for seven years on half-pay ; in proportion to the length of time that an officer has been upon half-pay, and consequently been moved out of sight from ordinary military observation, is it not necessary that there should be a much longer period of inquiry to discover what his conduct has been ?

A. Perhaps it may be so, but I cannot exactly say that, as I am in the habit of seeing twenty, thirty, and forty officers in the army almost every day of my life ; and generally, from some of those, I can ascertain particulars respecting any officer I choose, and that without letting them know the purpose for which I require it.

Q. Was the period of time for this exchange beyond the ordinary period in such cases.

A. Certainly not.

Q. Did the Commander in Chief ever state to you or did you ever hear, that he thought that one of these persons, either colonel Knight or colonel Brooke, was a bad subject ?

A. I never heard him express any such thing.

Q. Can you take upon yourself to say, that no opinion of the Commander in Chief's, that one of these was a bad subject, was the occasion of any delay in the completing this exchange ?

A. Yes, I certainly can ; the Commander in Chief is very cautious in expressing himself so strongly on the conduct of any officer ; if the Commander in Chief was to express himself so strongly upon the conduct of any officer, I should conceive that there was something in the conduct of that officer that required more than common inquiry.

Q. Then are the committee to understand, that no more nor further delay took place, than that which was necessary to complete the inquiries, which you thought it your duty to make ?

A. Certainly.

Q. As you were in the office at that time, supposing the negotiation

negociation between Colonel Knight and Colonel Brooke to have gone off in consequence of the objection made to Colonel Brooke, or from any other cause; was it probable that Colonel Knight might have had to wait some time before he might have had another eligible opportunity of making an exchange?

A. Yes, I think he might.

Q. What day of the week is it that the lists are generally sent in to the King?

A. They are commonly submitted by me to the Commander in Chief on Wednesday; they are submitted to the King on Thursday: and if they come back on Friday (which nine times in ten they do) they are gazetted on Saturday: if they do not come back in time on Friday, they are gazetted on the following Tuesday.

Q. Did you keep any memorandum of the inquiries you made respecting the exchange between Colonel Knight and Colonel Brooke?

A. None whatever.

Q. You have state, that the application to the Commander in Chief for this exchange was communicated on the 23d of July; when was that application to the Commander in Chief submitted for his Majesty's approbation?

A. The date is accurately marked upon the original paper: it was submitted to the King upon the 24th, as you will find, by reference to the paper upon the table.

Q. When did it appear in the Gazette?

A. The Gazette is dated July 30th

Q. Then the approbation of the Commander in Chief was signified seven days before it appeared in the Gazette?

A. Allow me to make this distinction: the approbation of the Commander in Chief is never signified to any body, until the King's pleasure has been subsequently obtained upon it.

Q. I understood, the Commander in Chief consented to this exchange on the 23d; that on the 23d it was known to you; that you then prepared the proper communication to be laid before his Majesty, but that communication was submitted to his Majesty on the 24th; that on the 24th his Majesty signified his approbation, and that it did

not appear in the Gazette till the 30th, being seven days after the Commander in Chief had given his consent, and six days after his Majesty had confirmed that consent ?

A. Exactly ; I beg it may be understood, that after his Majesty's signature is affixed to a paper of promotions, it is part of my duty to make such of them public as may be necessary. The Gazette is a notification, but it is not a ratification ; the thing is finally done before it appears in the Gazette.

Q. You have stated, that being in the habit of seeing twenty, thirty, or more different officers every day, you take a proper opportunity of collecting from them the character and conduct of those whom you see occasion to inquire into ; is it your habit to make minutes of the result of those inquiries ?

A. There scarcely a day passes over my head that I have not occasion to obtain information of that nature ; but to make a minute of it would be absolutely impossible, I mean to any extent : I could not carry on the business.

Q. Between the first of July, when the application was made on behalf of Colonel Brooke, and the 23rd, when it received the sanction of the Commander in Chief, did any conversation pass between yourself and the Commander in Chief, otherwise than that which originated in your addressing yourself to the Duke upon the subject in the ordinary course of office ?

A. To the best of my recollection, certainly not ; I speak more decidedly upon this point, because I am in the habit of laying numbers of papers before the Commander in Chief, and of confining my conversation strictly and exclusively to the matter before us.

Q. If his Majesty's approbation was received on Wednesday, why was it not notified in the Saturday's Gazette ?

A. I think I have said before, that if the papers were returned from his Majesty in time, it would have been gazetted on the next day ; I take for granted, therefore, that they were not returned in time.

Q. What space of time was there between your making your report of the inquiries made by you respecting Colonel Brooke, and the Duke of York's directing you to make
out

out the necessary papers for the King's inspection?

A. I think I have stated, that I received the express of the Commander in Chief's pleasure on the 23rd; the papers were made out for his Majesty on the 24th.

Q. What time elapsed between your making the report of the inquiries respecting colonel Brooke to the Commander in Chief, and the Commander in Chief giving his consent?

A. A reference to the paper upon the table will explain the dates.

Q. Did you make your report on the same morning that the Commander in Chief gave his consent and directed you to make out the necessary papers?

A. I beg pardon, but I do not comprehend that question.

Q. When did you state the result of your inquiries respecting colonel Brooke?

A. I have already stated, that I made my report to the Commander in Chief on the 23d, and received his pleasure upon it.

Q. Upon casting your eye over the Tuesday's Gazette, can you tell whether there are any promotions or exchanges in the Tuesday's Gazette which received his Majesty's approbation at the same time as the exchange in question?

A. I beg to state, that I firmly believe it is the usual practice, at least, that every exchange, and promotion, and appointment, went in the same paper before the King.

[Witness directed to withdraw.]

The CHANCELLOR OF THE EXCHEQUER " was anxious to know what course the honourable member who had brought forward this question intended to pursue. His noble friend* would bring forward his question respecting the militia to-morrow, and he trusted the honourable gentleman would be ready to bring forward his next charge on Friday. Indeed, he was aware after what had already transpired, the examination of the other witnesses could not be drawn into any great length. At all events, it was most

* Lord Castlereagh.

desirable

desirable that no unnecessary delay should intervene."

Mr. WARDLE " was as desirous as any gentleman could be that the business might be proceeded in with every possible dispatch. It would however be necessary for him to wait the arrival from Spain of several essential witnesses, among others, Captain Huxley Sandon, and Major-General French. Indeed he could not well say when they might arrive, as no return having been made of the killed and wounded, it was even impossible to say whether they were living or not."

Lord CASTLEREAGH observed, that by sending the names of the officers, intended to be called as witnesses, to the War-Office, it might easily be ascertained whether they had arrived or not, or whether it was likely they might soon arrive.

Mr. STURGES-BOURNE said that " he could not forbear expressing his surprise and regret, that any honourable member should have been so precipitate in giving notice of a motion, and in laying down the grounds of it, before he had ascertained whether the witnesses which were to be called to substantiate his charge were, or were not in readiness to attend. Was it so light and inconsiderable a thing, to innuuate such serious charges against any individual, much less an individual of the high rank and station, of the Commander in Chief, without having the immediate means of proving whether they were well founded or not."

Mr. WM. ADAM. " No man had ever been exposed to a case more severe and cruel than that in which the Hon. Gentleman had so hastily involved his Royal Highness the Duke of York. Where was the urgent haste which impelled the Hon. Gentleman to give notice of a motion containing such grave matter of accusation against so exalted a personage, before he knew whether the evidence he was to call,

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in proof of his charge, not only were in the country, but even whether they were in existence or not. Could any thing be more cruel than that calumnies should remain upon the characters of those who perhaps had fallen in their country's cause, and upon him who had promoted them, without perhaps any opportunity ever occurring, when the reasons of such promotions might be honourably explained and justified. Was there no charge respecting which the hon. gentleman might be prepared to proceed in on Friday? The Commander in Chief was as liable, and as ready, as any man to have his conduct inquired into; but was it to be endured that the second personage in the kingdom should thus be condemned to have such grave charges hang over his conduct and character, without the possibility of bringing them to a speedy examination. Let the honourable gentleman now state distinctly what charge he is prepared to proceed in on Friday next. If the officers he has named be not yet arrived, it was well known that many of the other witnesses he had named in opening his motion were now in London, why not therefore proceed without delay to have their evidence before the house. Major-General French might possibly have gone to the West Indies; Captain Huxley Sandon might be no more. Where then would there be left any thing to balance the charges brought against his Royal Highness? In candour; in justice; in every principle of fair dealing, such delay should not be tolerated; indeed, the hon. gentleman must be ignorant of parliamentary proceedings to have stirred his question without being fully prepared to bring it to an issue. Why then did he not consult some gentleman who was more conversant with such matters, and not thus act with such injustice towards the Commander in Chief, even to the interruption and detriment of the public business?"

Mr. WARDLE answered, "that he was not aware
of

of the delay, and that he never intended any. He should do all in his power to accelerate the business, and would be ready to bring forward the case of Captain Maling on Friday."

The Chairman then reported progress, and the house being resumed, it was ordered that the hon. gentleman do further proceed in his charges on Friday the third of February.

ON THURSDAY, FEBRUARY 2.

Mr. WARDLE rose to express a hope that he might be allowed on the next day to give farther evidence on the subject, on which he had been examined last night. He had then stated, that he saw Mrs. Clarke on the afternoon of Tuesday but he now recollected that he had seen her on the morning of that day, for a few minutes, as well as in the evening.

The CHANCELLOR OF THE EXCHEQUER said he saw no objection to the honourable member's making an explanation to that effect in his place.

Mr. WARDLE then moved, that a proper person from the office of the Commander in Chief do attend on the house to-morrow, with the books containing applications from subalterns who wished to purchase into the army, during the period within which Captain Maling acquired his three commissions; also with the book containing an account of the services of subalterns during that period.

The CHANCELLOR OF THE EXCHEQUER, from his extreme ignorance on the subject, could not say any thing as to the propriety of acceding to, or opposing the motion of the honourable member.

After some conversation on Thursday between him, Sir A. Wellesey, and Mr. Wardle, it was agreed that Mr. Wardle should renew the motion, and, if time should be required for the production of the information demanded, that the matter should stand over till a future day.

On

ON FRIDAY, FEBRUARY 3.

Mr. ADAM moved That Mr. John Few, Mr. Henry Munn, and Mr. Lodowick Orramin, be summoned to attend at the bar of the house, on Monday, and to give evidence before the Committee, inquiring into the conduct of the Commander in Chief.

Mr. WARDLE, before he moved the Order of the Day, was proceeding to correct an error in his evidence on the last examination, when

The SPEAKER apprised him, and observed "that what he was about to say then would do better when the house had gone into the Committee, if so ordered; there appeared entered for this day a Notice and an Order: the Notice took place of the Order; and, therefore, if the honourable member intended following it up, he might immediately; or, if he did not so intend, he would then proceed, if he thought proper, to move the reading of the Order of the Day, reserving for the Committee whatever observations he had to make touching its late proceedings."

Mr. WARDLE upon this said, "that he would move, in pursuance of his notice, 'That the proper persons from the Office of the Commander in Chief should attend that house this day, with the books containing the list and number of any applications for promotion, by purchase, during the time within which Captain Maling had got his three commissions; as also the books containing the list of all subalterns during the above period, with the dates of their respective commissions, and the books containing the services of such subalterns.'"

The CHANCELLOR of the EXCHEQUER suggested "that as the latter part of the motion might be productive of inconvenience, he thought that it might be better to wait until the persons in the office of the Commander in Chief had, in the course of their evidence,

dence, given the Committee such information respecting their books, and the nature of them, as would enable the house to form a better judgment of what might be wanting; it would be awkward if the house had in its inadvertence made any order which it would be impossible to comply with. He had no objection to any other part of the motion."

"My only object," observed Mr. WARDLE, "is to give every possible information to the Committee. I do not disapprove of the suggestion of the right honourable gentleman, and have no objection to have the motion put so amended."

The motion was then put thus, "That the proper persons from the office of the Commander in Chief should attend the house this day, with the books containing the list of applications on the part of subalterns for promotion by purchase, during the period within which Captain Maling was appointed to his three commissions." Ordered.—The house then went into Committee.

Mr. WHARTON in the Chair.

The CHAIRMAN stated that it might be for the convenience of the Committee if every honourable member would apprise the Chair when he had closed his examination of any witness; as this would preclude the interference of any other honourable member with that witness.

Mr. WARDLE upon this rose to correct an inadvertent error in his testimony on the preceding Wednesday night. "He had then said, that he had not been with Mrs. Clarke on Tuesday morning, but had seen her on that evening; he now recollected having seen her twice on that day, though not on the day before. He wished therefore, that the error might be corrected."

Mr. STURGES BOURNE desired "that the shorthand writer should refer to that part of the evidence alluded

alluded to by the Honourable Member, and read it to the Committee."—

The Short Hand Writer read accordingly an answer given by Mr. Wardle, to a question requiring to know if Mr. Wardle had seen Mrs. Clarke the day before (Tuesday;) the purport of the answer was, "that he had called upon her on Monday, and after waiting two hours, she not being at home, went away without seeing her. That he did not see her on Tuesday, but saw her on Tuesday evening, and though there were others in the room, it was impossible for her not to have seen him."

After these preliminary adjustments had been settled, Mr. WARDLE stated, "that he wished to have it entered on the minutes as his evidence, that he had seen Mrs. Clarke on the Morning of Tuesday."

Mr. FULLER said "that it meant no more in plain English than that the Honourable Member had seen her twice that day."

GWYLLYM LLOYD WARDLE, Esq.

a Member of the House, was examined by the Committee as follows :

The Chancellor of the Exchequer. Q. Can the Honourable Member say at what time he first saw Mrs. Clarke on Tuesday morning ?

A. In the early part of the day.

Q. How long did the Honourable Member wait in the House before he saw her ?

A. Why, I suppose, about half an hour. I cannot be accurate. She was up stairs, and I had come in my carriage, I think ; but I cannot state positively.

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Q. Will the Honourable Gentleman state, as nearly as he can, the hour at which he called on Mrs. Clarke the first time on that day?

A. I cannot speak positively; but I believe it was about 11 or 12. I stopped with her but a short time, and went out with her in her carriage, as far as the King's Road.

Q. Then the first time the Honourable Gentleman called upon her on that day, he did not call in his own carriage?

A. No. Now I recollect, I walked. It was the second time I saw her that I went there in my own carriage. It is impossible to be accurate in such matters, particularly as I am so constantly in the habit of going there.

Q. At what hour did the Honourable Gentleman call the second time on that day at Mrs. Clarke's?

A. About three o'clock.

Q. How long did the Honourable Gentleman remain with Mrs. Clarke this second time?

A. Upon my word I cannot say. I rather think a short time. Her carriage was at the door—there were some workmen putting up glasses—perhaps something near half an hour; but I really cannot be positive.

Q. Then the Honourable Gentleman saw Mrs. Clarke on that day three times?

A. Yes. Once in the evening and twice in the early part of the day.

Q. When the Honourable Gentleman called on Monday, Mrs. Clarke was not at home?

A. No. I waited for her upwards of two hours; at the end of that time she came in, after having been driving about the town.

Q. Then the Honourable Gentleman did see Mrs. Clarke on Monday?

A. Yes; for about two minutes, and went away immediately.

Q. Had the Honourable Gentleman any conversation with Mrs. Clarke on Tuesday relative to the present inquiry?

A. No

A. No conversation of any moment. Certainly no particular, no pointed conversation.

Q. I wish to know whether on Tuesday the Honourable Gentleman had any conversation with Mrs. Clarke on the subject of the Charges now under the consideration of the House?

A. I really do not recollect positively; there was no pointed conversation at all between us upon that day.

Q. Did Mrs. Clarke first mention the charges to the Honourable Gentleman, or he to her?

A. I fancy it was I in the first instance mentioned the charges to her. I put some questions to her on the subject.

Q. Does the Honourable Gentleman recollect from whom he has derived his information upon this subject?

A. I have derived my information upon the subject from several persons, whose names I cannot with propriety state.

Q. Did the Honourable Gentleman derive his information from Mr. Finnerty?

A. I never in my life got any information from Mr. Finnerty. I did not know Mr. Finnerty till within a few days, when I had an interview with him in the lobby, and he spoke to me respecting Dr. Thynne; it was the day before Dr. Thynne was examined. I think it necessary here to add, that when Major Hogan's Pamphlet was published, in consequence of an intimation that matters of information would be furnished to any Member of Parliament, I wrote to Major Hogan, and in consequence of that letter had an interview with Mr. Finnerty; but after putting a few questions to him, I found, or had reason to think, that he had no information to communicate. I got no information whatever from Mr. Finnerty.

Q. The Honourable Gentleman has stated that he did not even know Mr. Finnerty till a few days since; how can he reconcile that with what he has since added; namely, that he had an interview with him for procuring information before?

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A. I stated that I never had any information whatever from Mr. Finnerty: after putting a few questions to him, I perceived that he had none whatever to give.

Mr. YORKE desired the two last questions with the answers to them to be read, and observed, that "there appeared to him to be a manifest contradiction in the statement of the Honourable Gentleman which he was bound to reconcile.

Q. The Honourable Gentleman had said, "that he had not even known Mr. Finnerty till within a few days, when he had the interview with him in the lobby; and yet, by his own subsequent statement, he admitted having had another interview with Mr. Finnerty, about the time of the publication of Major Hogan's pamphlet. How he could be said not even to know a person with whom he had had a previous interview, was what appeared to him difficult to comprehend."

Mr. Wardle. "I never had any knowledge whatever of Mr. Finnerty, before the publication of Major Hogan's pamphlet led to the interview to which he had alluded, and in which he discovered that Mr. Finnerty had no information to communicate. I never got any information from him."

Mr. Yorke. **Q.** When had the Honourable Gentleman seen Mr. Finnerty, in consequence of his Letter on Major Hogan's pamphlet? Whether was it before or since the conversation he had with him respecting Dr. Thynne?

A. The conversation I had with Mr. Finnerty, respecting Dr. Thynne, occurred on the night before Dr. Thynne gave his evidence at the Bar. The interview I had with Mr. Finnerty, in consequence of Major Hogan's pamphlet, occurred some months since.

Mr. Sturges Bourne. The Honourable Gentleman then did see Mrs. Clarke on Monday and Tuesday?

A. As I stated before, I was led to believe, that what had happened on Tuesday had happened on Monday; but when I went home I made some enquiries, which set me

me to rights upon the subject, and consequently I took the earliest opportunity of rectifying the mistake I had made, by stating this circumstance yesterday to the Right Honourable Gentleman *.

Mr. Beresford. Q. From what other persons did the Honourable Gentleman derive his information, if not from Mr. Finnerty?

Mr. LYTTELTON objected to this question, "as not at all relevant to the matter of the charges under consideration. He could not conceive it right to draw from the Honourable Gentleman by such questions the sources of his intelligence before even his witnesses were examined at the bar."

Mr. BERESFORD said the question flowed out of the evidence now given by the Hon. Gentleman †, which if he had given on a former evening, would then have been put to him."

Lord FOLKSTONE objected to it, as irrelevant to the pending discussion.

The CHANCELLOR of the EXCHEQUER. "Mrs. Clarke has stated in evidence, that she had not seen Mr. Wardle all the Tuesday; and the reason she assigned for it was, that she was not at home during that day. It now appears that the Hon. Gentleman had seen her *thrice* at home on that day, and had gone with her in her carriage to the King's Road. I notice the other contradictions in which Mr. Wardle's testimony of this evening is involved, and acknowledge, that in pursuing my questions in order to place these contradictions in a strong point of view I have been the first to exceed the limits, and I have endeavoured to extract from whence Mr.

* The CHANCELLOR of the EXCHEQUER.

† Mr. Wardle.

Wardle had got his evidence. The question was certainly irregular."

Mr. BERESFORD abandoned the question.

WILLIAM ADAM, Esq. a Member of the House, attending in his place, was examined, as follows :

Attorney General. Q. Have you the letters to which you referred on a former evening ?

A. I wish to state that I have a letter dated Sunday Morning, June 19th, without any year ; it is indorsed in my hand writing, June 19th, 1808. I have another letter, dated Saturday morning, without any day of the month ; I have not, I observe put any indorsement of the day of the month or of the year, upon that letter, but it will appear, that that of the 19th of June, 1808, was the first, and that dated Saturday was the second letter. When those letters were the subject of examination on a former evening, I wished to be possessed of them, in order to have produced them. I had it not in my power to produce them then, not supposing that such a subject would be alluded to ; I have now produced them : The letters were then read by the clerk at the Table as follows :

" Sir,

" On the 11th of May, 1806, you waited on me, by the desire of his Royal Highness the Duke of York, to state H. R. H.'s intention of allowing me an annuity of four hundred per annum. H. R. H. by his promise, is now indebted to me five hundred pounds. I have written repeatedly, but of no avail. H. R. H.'s conduct, towards me, has been so devoid of principle, feeling, and honour ; and as his promises are not to be depended on, though even given by you ; I have come to the determination of making my intentions known to you, for the consideration of H. R. H. ;—and thus it is :—I solicit H. R. H. to make the annuity secure for my life, and to pay me the arrears immediately, as my necessities are very pressing—(this he knows.) If H. R. H. refuses to do this, I have no other mode for my immediate wants, than to publish every circumstance ever communicated to me by H. R. H. and every thing which has come under my knowledge during our intimacy, with all his letters ; those things amount to something serious : he is more within my power than may be imagined. Yet I wish, for
H. R. H.'s

H. R. H.'s sake and my own, that he will make my request good, as I know full well I should suffer much in exposing him in my own mind; yet, before I do any thing publicly, I will send to every one of H. R. H.'s family, a copy of what I mean to publish. Had H. R. H. only have been a little punctual, this request had never been made. One thing more; should H. R. H. throw up his protection to my boy, (for I thank him much for the past) I hope he will place him on the foundation of the Charter house, or any other public school: the child is not accountable for my conduct. You will please then, Sir, to state this communication to the Duke of York; and, on Wednesday, I will send to your house, to know what may be H. R. H.'s intention; which you will please to signify by a letter to

"Your most obedient,

"humble Servant,

Sunday Morning, June 19.

"M. A. CLARKE."

"His Royal Highness must feel, that his conduct, on a late affair, deserves all this from me, and more.

"William Adam, Esq. Bloomsbury Square.

"Private."

Indorsed Mrs. Clarke,

19th June, 1808.

"Sir,

11, Holles Street, Carendish Square.

"On Wednesday, finding there was not any answer to my letter, I am led to enquire, if H. R. H. the Duke of York, thinks proper not to make good his promise given by you, and that you encourage him in it.

"I have employed myself since, in committing to paper every circumstance within my recollection during the intimacy of H. R. H. and myself. The fifty or sixty letters of H. R. H. will give weight and truth to the whole. On Tuesday I have promised to give these up, if I hear nothing further after this last notice; and when once given out of my own possession, it will be impossible to recall. It is to gentlemen, and not any publisher, they will be committed; and those gentlemen are just as obstinate as his Royal Highness, and more independent: they are acquaintances of your's; and to relieve my wants, in pique to others, will do what the Duke will not: however, he has it all within his own power, and so he may act as he pleases.

"I am, Sir,

"Your most obedient,

"M. A. CLARKE.

"Saturday Morning.

"William Adam, Esq. Bloomsbury Square."

Mr. Adam examined by The Attorney General, who asked, whether those were the two letters alluded to in Mrs. Clarke's evidence?

Mr

Mr. ADAM replied that these must be the letters, as he was confident he had received no other, except perhaps a note of two lines, which he did not very well recollect—it was not in his possession.

The ATTORNEY GENERAL then asked,

Q. Did his Royal Highness express any apprehensions as to what Mrs. Clarke might be able to communicate?

A. None whatever.

Q. Did you communicate the letters or their contents to his Royal Highness?

A. Yes, I did.

Q. The letters themselves?

A. Yes, the letters themselves, and he read them in my presence.

Q. After that did he betray the slightest apprehensions?

A. Not the slightest.

Q. What were the exact words which his Royal Highness used on that occasion?

A. I do not recollect them exactly, but I perfectly remember, that he neither betrayed nor expressed any apprehensions as to what Mrs. Clarke could do.

The ATTORNEY GENERAL then desired the proper officer to ascertain whether Mr. Few was in attendance. He stated that his object was to contradict that part of the evidence of Mrs. Clarke, in which she had said that she never represented herself as a widow while living in Tavistock Place. He thought, he could prove that she had represented herself to the tradesmen in the neighbourhood as a widow, and had also obtained credit on such representation, and afterwards pleaded her coverture to avoid payment of her debts.

Mr. BERESFORD observed, “I think it quite needless to go any farther in the contradiction of Mrs. Clarke’s

Clarke's evidence, as she had been sufficiently contradicted already, to prove that she was a person unworthy of belief. Indeed what the House had heard from herself, was almost, if not altogether, enough for this purpose. "I have suffered great pain in seeing a witness of such a description standing at the bar of this House, and examined with respect to the conduct of his Royal Highness.—Mr. Knight, a most respectable Gentleman, has already contradicted her, and I was in hopes that the House would see no further occasion for proceeding in examining into private amours. Almost every Member in the House must be convinced that Mrs. Clarke was a character unworthy of credit, and it was excessively unpleasant to go on with any thing farther about her. It may be thought that I take a great deal upon myself, in advising the Honourable and Learned Gentleman as to the course he should pursue. But I consider it as a degradation to the House to proceed farther into the history of this infamous woman; for so I must call her."

Mr. ADAM "wished to explain a circumstance adverted to in one of Mrs. Clarke's letters, in order to prevent any misconception. The child alluded to in the letter was not a child of the Duke's. It was also his duty to state, that this child had long been under the protection of the Duke of York, and was actually so at the time the letter was written, as the letter itself implied, which was nearly two years after the separation had taken place."

Mr. FULLER "hoped that every examination would be proceeded in, that the case could possibly admit of, as it was of importance that this subject should be probed to the bottom, to develop the foulest conspiracy that ever was set on foot against the Son of the Crown, and indirectly against the Crown itself. He desired, that the evidence might proceed, and expressed

pressed his hope, that an honourable man would be fully acquitted by his honourable countrymen."

The CHANCELLOR of the EXCHEQUER, observed, that the discussion was undoubtedly an unpleasant one, but though it was unpleasant, yet the House could not shrink from it as it was brought before them. If he were called upon to give his opinion, even as the case stood, he could have no hesitation in saying, that the evidence of this witness was not to be relied upon. But though the Honourable Gentleman * had heard enough to make up his mind on the subject, could he be sure that the impression made on his mind was exactly that which was made on the mind of every one? If, therefore, Mrs. Clarke had said, that she had never represented herself as a widow, and if it could be proved that she had so represented herself, and got credit upon that ground, it was certainly a very important circumstance, and still more so, if, upon payment of her debts being demanded, she had turned round and represented herself as a married woman. There was, besides, another fact, which it was very material to ascertain. His Honourable and Learned Friend † could prove, or imagined he could prove, that this woman, who had said that her husband was engaged in no business, did live with her husband, who was a mason, with three children. All this ought to be produced for the satisfaction of the House, and he hoped that it would have its full force, because the *corpus delicti* in this case depended entirely on her evidence. There was no doubt, that money had been given; but the question was, Whether his Royal Highness knew of that circumstance, and had been prevailed upon by her influence to grant promotions and exchanges in the army? This depended entirely upon her testimony,

* Mr. Beresford.

† Mr. Adam.

and therefore it was material to shew, in the most satisfactory manner, that her evidence was unworthy of the least credit.

The ATTORNEY GENERAL observed, that in the evidence which he adduced he always looked at the distinct point under consideration. The subject here was the conduct of his Royal Highness the Duke of York, with regard to the army; and the particular question was, Whether he had conducted himself corruptly in granting commissions with a view to put money in the pockets of those whom he wished to favour? That there were persons about him, as almost always happened in such cases, who represented themselves as possessed of influence; and that there were dupes credulous enough to believe them, and to waste their money—he had no doubt. No witness had attempted to fix any charge upon his Royal Highness the Duke of York, but Mrs. Clarke; and if the cause had been before a Jury, the Judge would immediately tell them, that it could not stand a moment upon the testimony of such a witness, even from her own admissions. But this course would not answer here, and it was his duty to attack her credit by other testimony. It was only to that end that he adduced the evidence which he was now about to call. It was not unimportant to prove that this woman had given false testimony. This was a painful duty to him; but it was a duty which ought to be undertaken by some Member of the House, and he thought that his official situation called upon him to take a leading part in the investigation. He also stated, that it would be proved by Colonel Gordon, that the exchange had been ordered before Mrs. Clarke got the money.

Mr. Few and *Mr. Munn* were then called, but neither of them were in attendance.

Sir

Sir FRANCIS BURDETT. "This is a very unpleasant duty ; but it is the duty of the House to do justice to the country as well as to the Duke of York. I think that Gentlemen ought to refrain from discussing the merits of the case till the evidence be printed and laid before them. Before they called their witnesses, they ought to allow the Honourable Gentleman * to proceed with his charges, and finish them."

The CHANCELLOR of the EXCHEQUER, observed, that after the Honourable Gentleman had finished this charge, it was understood that the answer was to be given, and the House had before acted upon that principle, by calling Col. Gordon, Mr. Adam, and the Honourable Gentleman himself who had brought forward the charges. The witnesses now called upon were summoned, not with a view to the whole of the charges, but to give their testimony upon that which was now closed.

The ATTORNEY GENERAL now reminded the House that in the course of Mrs. Clarke's evidence, she had said, "that the Duke of York sent one of his servants to procure change for one of the Bank notes paid to her for expediting the exchange; he would call that servant, as a witness to prove that the whole was false."

LODOWICK ORRAMIN

was then examined.

Attorney General. Q. In whose service are you?

A. In that of his Royal Highness the Duke of York.

Q. How long have you been in his service?

A. Eighteen years next September.

Q. Has the witness been constantly in the service of the Duke of York during that period?

A. Yes.

• Mr. Wardle.

Q.

Q. Did he remember when his Royal Highness visited Mrs. Clarke at Gloucester Place?

A. Yes.

Q. Were any, and what, servants accustomed to attend his Royal Highness on these occasions?

A. None but myself.

Q. In what capacity did you serve the Duke of York?

A. As footman.

Q. At what time of the day was you wont to go to his Royal Highness?

A. At eight o'clock in the morning.

Q. For what purpose did you use to go?

A. To take his clothes.

Q. Did the witness ever see Mrs. Clarke there?

A. I saw her once?

Q. During how long was the witness in the habit of going to his Royal Highness at Gloucester Place.

A. From 1802 to 1806.

Q. Is he sure that no other servant went there?

A. Yes.

Q. Was the witness frequently there during the period he has mentioned?

A. Yes.

Q. What was the single occasion on which he saw Mrs. Clarke?

A. When he took a favourite dog of his Royal Highness for Mrs. Clarke to see.

Q. Was his Royal Highness there at that time?

A. No.

Q. Are you sure you never saw her but once?

A. Never but once there.

Q. Was you ever sent by his Royal Highness or Mrs. Clarke while at Gloucester Place to get a note changed?

A. Never.

Q. Was the witness sent by any one at that place to get a note changed?

A. No.

Q. Was the witness quite certain of that?

A. Yes.

No. III.

I

Mr.

Mr. Wardle. Q. The witness has taken it upon himself to say that no other servant went to Gloucester Place to the Duke of York but himself. On what grounds does he say so?

A. Because I had orders to bring those things and no other servant; no other servant was permitted to do it.

Q. He would ask if the witness asserted of his own knowledge that no other servant went to Gloucester Place?

A. Yes.

Q. He asked whether the witness could assert that no other servant took a letter to Mrs. Clarke at Gloucester Place?

A. None but me.

Q. How many men servants were in Gloucester Place?

A. I don't know.

Q. Speak as near as you can guess how many you saw there?

A. Sometimes I saw two servants; never any more in livery?

Q. How many out of livery?

A. One.

Q. Any other?

A. No.

Q. Was there a man cook there?

A. I do not know that there ever was.

Q. How often was you in the habit of carrying letters to Gloucester Place?

A. Very seldom.

Q. I understood you to say that no other servant of the Duke carried letters there to your knowledge?

A. None to my knowledge.

Q. Did you know any other person who took letters there?

A. No.

Q. Did the witness carry any letters to Gloucester Place from the Horse Guards?

A. I did.

Q. Many?

A. No; not very many.

Q. I think he said he only saw Mrs. Clarke once at Gloucester Place?

A. Only

A. Only once.

Q. To whom did he deliver the letters?

A. Mostly to the housekeeper.

Q. What was her name?

A. Favourite.

Q. What was the name of the butler?

A. I believe his name was Pierſon, but I do not very well recollect; one of them was ſo called, I believe. I do not know what was the name of the laſt.

Sir Francis Burdett. Q. The witneſs ſaid, that he ſaw Mrs. Clarke only once at Glouceſter-place. Did he ever ſee her any where elſe?

A. Yes.

Q. Where?

A. I ſaw her walking in the ſtreet before Somerſet-houſe. I ſaw her but three times in my life.

Q. Had you any communication with any one as to the evidence you have given to-night?

A. His Royal Highneſs aſked me if I had ever changed a note.

Q. Had you any communication with any perſon beſides his Royal Highneſs?

A. I was aſked the ſame queſtion by Mr. Adam.

Q. Had you any converſation with any other perſon on the ſame ſubject?

A. Yes, with Mr. Wilkinſon.

Q. Who is he?

A. He is a gentleman from Mr. Lowten.

Q. Had you any converſation with any other perſon?

A. No.

Attorney General's Q. Were the ſervants at Glouceſter-place Mrs. Clarke's ſervants?

A. Yes, as far as I knew.

Q. Does he know that they were not the Duke of York's ſervants?

Q. I believe they were not.

Q. Were the directions given by the Duke of York, that none but you ſhould go to his Royal Highneſs at Glouceſter-place?

A. Yes.

Q. When his Royal Highneſs aſked whether you ever carried a note to be changed from that place, what did you immediately answer?

A. I told him I was certain that I did not carry any note to be changed.

Q. Can the witness say positively that he never did?

A. Yes, I can.

Q. Did he say the same thing to Mr. Adam, Mr. Lowten, Mr. Wilkinfon, and others?

A. I did.

Mr. Wardle. Q. Are you certain that the duke of York never went in his carriage to Gloucester-place?

A. He never did.

Q. Nor on horseback?

A. He never did as far as I know.

Q. I wish the witness to state as nearly as he can possibly recollect, what passed between Mr. Adam, Mr. Wilkinfon, and others, and himself, on this subject?

A. Mr. Adam, asked me, if I was ever in the habit of going to Gloucester-place; I told him I was. He asked me whether I ever carried a note to change; I told him I never did. Mr. Lowten and Mr. Wilkinfon asked me the same questions, and I gave the same answers. Mr. Wilkinfon also asked my name, my age, and how long I had served his Royal Highness. That was all that passed, as nearly as I can recollect.

Q. Whether the Duke of York had any valet de chambre with him at Gloucester-place, either at night, or in the morning?

A. None, as far as I know.

Here the Examination of this witness finished.

The ATTORNEY-GENERAL said, that as the other witnesses he had intended to call were not at hand, he would take an opportunity of calling them some other time.

MR. WARDLE hoped there would be no objection to his calling one or two witnesses also, in consequence of what had passed since he submitted his case.

The CHANCELLOR of the EXCHEQUER saw no objection, and wished the honourable gentleman to give in their names.

WILLIAM

WILLIAM ADAM, Esq. was further examined, as follows:

Mr. Wardle. Q. Having stated that you have served his Royal Highness the Duke of York gratuitously, may I be allowed to ask, have you a son in the army?

A. I have, he is a Lieutenant-colonel of the 21st regiment of foot.

Q. At what age was he made lieutenant-colonel?

A. I will answer that question. But as I have received a letter which I will presently read to the house, they will see the necessity of my answering that question by stating the introduction of that person, and the progress he made in the army. General Sir Charles Stewart, who was a friend of my early life, asked me if any of my five sons had a disposition or inclination for the army. I told him that there was one of them, then fourteen or fifteen years old, who I thought had a strong tendency that way. He said, you know my friendship for you, and the rules of the service, permit my making him an ensign. He gave him the commission of ensign; his regiment was in Canada, and the young person never joined it, but was sent by me immediately to Woolwich, to receive a military education regularly; and as I am asked a question of this sort, and know its tendency, from the letter I have in my pocket, I do not think it unbecoming in me to state, of so near and so dear a relation, that he distinguished himself extremely in his progress at Woolwich. He received a second commission of lieutenant from general Sir Charles Stewart, equally gratuitously with my services to the Duke of York. When Sir Ralph Abercrombie, whom I likewise had the honour to call my intimate friend, was about to go out to the Helder, he went under him at the age of sixteen as a volunteer. The house will pardon me, for it is impossible for me not to feel upon this subject; I must state his merits. That youth landed in a hot fire, and he behaved so as to receive the thanks of every body around him; he remained actively engaged in every engagement during that expedition; he had the command of such a subdivision of men as a lieutenant commands, and they were of those troops that were raised as volunteers from the militia, they were raw

to service, they required much management, and yet he contrived to conduct them well : when he returned to this country, he received from his Royal Highness the Duke of York, without any solicitation whatever on my part, so help me God, a commission in his own regiment, the Coldstream, having paved the way to make him a lieutenant in his own regiment, by giving him a commission in one of the regiments that was raised just after the affair of the Helder. I do not recollect the particular circumstances, but it will be easy to get them at the War-office, if that is necessary. He remained in the Coldstream regiment at home until the expedition to Egypt, when he went again under Sir Ralph Abercrombie, where he was accompanied by his friend at Woolwich, who had made a similar progress with himself, the son of Sir John Warren, who was killed by his side. He was one of those who landed with the Guards in the illustrious landing commanded by Sir Ralph Abercrombie, and covered by Lord Keith. I have the happiness to say, that he distinguished himself equally upon that occasion. When he returned home, the Duke of York again gratuitously transferred him to his own regiment, with the rank of major ; and he rose, as a matter of course, at the age, I believe, of not quite twenty-one, to the rank of lieutenant-colonel in the second battalion of his own regiment. When colonel Wilson went abroad with general Maitland, colonel Wilson intimated to me, that it would vacate his lieutenant-colonelcy ; and the only time I ever mentioned his name to the Duke of York was to mention that fact, and to leave it to his Royal Highness to do as he thought fit : his Royal Highness put him in the first battalion : and I have the happiness to think, that he has been a constant credit to his country, and has commanded as well, from the moment he was appointed lieutenant-colonel, as any one in the service ; and I desire general officers in the service to speak to that. If general Moore were alive, he could do it. I now beg leave to read this letter, which I should have considered a mere trifle, if it were not for this question, and put it into my pocket, and probably into the fire : it is written in red ink.

Mr. Adam then proceeded to read the letter, nearly as follows :

SIR,

SIR;

YOUR character was once respected; that is now over. Your shifting in the House of Commons, and your interference in the Duke of York's litchery concerns would have dubbed any other man a pimp. This subserviency to royalty *has made your son a Colonel at twenty years*, and given your other boy a ship—(I wish, exclaimed the honourable gentleman, turning to Mr. Wardle, you would ask me a question respecting this son too that I might have an opportunity of telling by what means he got his ship).—"Bravo! Go on! Try if you can say you act for no profit when you get your sons thus provided for. Decide as you please that the man who is paid for his services out of the public purse, because he is the second man in the kingdom, as you say, and a Prince, forsooth, should not shew a good example. Let the Commons decide as they will, the public will judge for themselves; and it is not a decision of the *Bear Garden* that will convince burdened millions that black is white. 'This Rubrick*' is typical of my feelings. I blush for you, and wish you would change your principles to correspond with the colour of your hair, and live the latter part of your time in honour. Though the decision of the house will not go far with the public, yet all eyes are upon it, and the damnation or salvation of the Commons depends upon this decision.

Upon the question being asked, Mr. Adam said the letter was without a signature.

Mr. ADAM concluded by adding, "Having given the answer which I have to the honourable gentleman, I ask in the judgement of the House, whether I have not a right to say, that I have gratuitously served the Duke of York."

Mr. ELLISON observed, that it was unworthy the character of an individual to pay attention to anonymous letters, and expressed his surprise, that Mr. Adam had brought this before the House.

Mr. ADAM in reply said, that he felt it incumbent on him to do so from its singular coincidence with the question that had been put to him. It was written to deter him from doing his duty, and to libel

* Alluding to its being in red ink. Without attempting to offer any opinion on the general question; we cannot but remark that the cruelty of insulting the feelings of a kind father, the integrity of a Member of Parliament, and the house in its collective capacity, was only exceeded by the brutal vulgarity of such a composition equally disgraceful to the abilities of the writer and his sensibility as a man.

Editor.

the

the House of Cummons, both of which were beyond the power of any such attempts. He had to protect his own and his family's honour, which he would do in the manner that seemed best to himself, without minding any one's opinion.

Mr. ELLISON. "There was no occasion for rough language, particularly as I have gone along with the honourable gentleman in all his feelings as a man and a father. I have only expressed my disapprobation of having such letters brought into the minutes of the House."

Mr. FULLER defended the reading of the letter in warm terms, and amid loud cries of *Order! Order!* He said, the House did not do their duty, and ought to be whipped, if they did not offer a reward of 500*l.* or 1000*l.* for its author (*Order! Order!*) "Why am I out of order? Where am I out of order? If you are such poor creatures"—Here the honourable gentleman's voice was drowned amid the general clamour, and he sat down exclaiming, "Well! well! well!")

Mr. LITTLETON commented with severity on the disorderly conduct of the last speaker, and thought "that threatening manners were as little to be tolerated as threatening letters."

The CHANCELLOR OF THE EXCHEQUER said, there could be no idea of putting the letter on the minutes of the House. It might be put on the evidence.

A desultory conversation took place between Mr. Adam, Mr. Sheridan, Mr. Wardle, Mr. Beresford, &c. as to the mode of entering the letter on the evidence.

Mr. SHERIDAN conceived, that through some error the question put to his Honourable Friend was taken down incorrectly by the note taker. The question as taken down, was simply, whether Mr. Adam had a son a lieutenant-colonel in the army.

Whereas

Whereas the actual question was, "that Mr. Adam having stated, that he acted for the Commander in Chief gratuitously, Mr. Wardle wished to know whether his Learned Friend had not a son in the army?" Meaning by the import and spirit of his interrogatory, to convey, that the services of his Learned friend were remunerated by the promotion of his son. The interrogatory was, with Mr. Wardle's admission, corrected according to the wish expressed by Mr. Sheridan.

SECOND CHARGE AGAINST THE COMMANDER IN CHIEF.

MR. WARDLE considered it his duty, before he submitted his charge against the Commander in Chief in the promotion of captain Maling, positively to state, that he believed that gentleman as proper an officer as any of his rank in the service. Every inquiry he had made went to prove that his conduct was strictly honourable. It would appear from the *Gazette*, that captain Maling was appointed to his ensigncy in November 1805; that he was promoted to his lieutenancy in November 1806; and obtained a company on the 5th of September, 1808. His Majesty's regulations had prescribed, "that every officer should continue for a limited time in his subaltern situation." But his complaint in this case was, that captain Maling was promoted over the heads of officers, many years his seniors in the army, and who were many of them lieutenants long before he received his appointment to an ensigncy. This was a most cruel system; and, in the present instance, he conceived it particularly aggravated, inasmuch as the promotion of captain Maling was throughout gratuitous, to the injury of old subalterns

alterns who had applied to purchase companies at the regulation price. Some with the claims of honourable character and long service, others not only with character and length of time, but also recommended by wounds received in the cause of their Sovereign and Country. It was undeniable that such a system was vitally injurious to the best interests of the country; and of course, to prevent its recurrence, was of material importance. If any improper conception of the nature of this charge had gone abroad, he felt extreme regret, but it was his duty to take advantage of subsequent opportunities in order to explain himself. His charge was, that captain Maling had, in the short space of two years and three months, received his three commissions, and was appointed to a company over the heads of many subalterns who had made application to the Commander in Chief for leave to purchase, and who were old ensigns and lieutenants long before that gentleman left Mr. Greenwood's office. He did, he believed, state on the former night, that Mr. Maling continued to fulfil his duty to Mr. Greenwood, some months after his appointment to an ensigncy.

Mr. S. BOURNE observed, that the present statement of the honourable gentleman completely contradicted that which he had made on a former day, the *gravamen* of which was not that captain Maling had been promoted, but that he had been promoted "without one hour's service." It must be in the recollection of the committee that such had been the statement of the honourable gentleman, and that he had declared captain Maling to have received the commission in 1805, "without an hour of intervening service," found at Mr. Greenwood's desk. He regretted very much, that the charges preferred by the honourable gentleman, had not been reduced to writing, as that would have prevented any mis-conception,

conception, or subsequent altercation. He confessed that he could not see, in what consisted the matter of accusation, but he hoped that the house would go into the inquiry, in order to ascertain the character and services of captain Maling, and the nature of that high reward which he had received—a company in the African corps! He wished also to understand the tendency of the insinuation contained in the honourable gentleman's statement, that the appointment of captain Maling to a company in the African corps, composed principally of convicts and deserters; this was aggravated by the circumstance that that regiment was commanded by colonel Gordon, a gentleman who for twenty-six years had served his country in every part of the globe, except the East Indies, and who during the whole of that time had not been an hour out of actual service. If such an option was not entrusted to the Commander in Chief, he was at a loss to understand what was the discretion of such a situation. But at all events, there was no very high and distinguished favour conferred by a promotion in the African regiment.

Mr. WORTLEY remarked, that it was the duty of any member, in bringing such serious charges against any person, and more especially against such an illustrious personage as the Commander in Chief, should have been perfectly certain of the accuracy of his statements, and of the means which he possessed of establishing them. This was not the only instance in which the honourable gentleman had been defective in his information. The instance in the case of colonel French was more aggravated; that officer the honourable member had never seen; and though his evidence was most material, he was now out of the reach either of him or of that house: It was cruelty to attack persons so distinguished in rank and office, on points where it was impossible to bring

bring the proofs forward which were necessary to substantiate the accusation.

Mr. CROKER said, that he had attended most accurately to the honourable gentleman's original statement, which was, "that captain Maling had not been one hour in the service, and that he was still to be found at Mr. Greenwood's desk." If the honourable gentleman had stated his charge on a former night, as he had just done, he should have felt it his duty to move, that the House should reject the consideration of it as a matter in which the judgment and discretion of the Commander in Chief ought freely to be exercised.

Colonel WOOD could not see how it was proper for the House to enter upon any enquiry at all into the business, as now stated by the honourable gentleman. He perfectly agreed with the honourable gentleman who had immediately preceded him, in the nature of the honourable gentleman's original accusation, but he now found that the charge preferred by the honourable gentleman amounted simply to this, that at the time when captain Maling was promoted, there were subalterns in the army of a longer standing than himself. Now he conceived, that it was an unquestionable prerogative of His Majesty to appoint such persons to be officers in his army as he pleased, and that the House of Commons had no power over that prerogative. If the regulations of a certain term of service were adhered to, the house had no right to interfere, and could not interfere without trenching on the prerogative of the crown.

The CHANCELLOR OF THE EXCHEQUER requested to observe, that the Committee would recollect they had a charge from the House to investigate the conduct of his Royal Highness the Commander in Chief, and therefore wished the enquiry to proceed. The public impression against Captain Maling, and
against

against the Commander in Chief, was a gross injustice to both, and an injustice to the country. The charge ought to be negatived in evidence, and the committee must not be satisfied with the bare contradiction of it by the honourable Accuser himself.

Mr. WARDLE disclaimed any intention of deceiving the House, or of preferring charges which at the time he did not think he could substantiate; and declared, as far as both his recollection and his notes went, that he had formerly stated what he now repeated, that Mr. Maling had been at the first appointment, only a clerk of Mr. Greenwood's, but he certainly never meant to affirm that on the second or third promotion he was still at the desk; if he had gone so far, the House would excuse an inaccuracy to which his warmth alone could have led. He wished to proceed quite as it suited the pleasure of the House.

Mr. DENNIS BROWNE observed, that the difference was material. The honourable gentleman had said on a recent evening, that captain Maling was still to be found at Mr. Greenwood's desk. Did he mean to deny this, or, not denying it, did he mean to relinquish that part of his charge?

Mr. WARDLE answered, that what he intended to state was, that after the appointment of Mr. Maling to an ensigncy, he believed he was to be found at Mr. Greenwood's desk.

Mr. ELLISON insisted, that the honourable gentleman was bound to establish all the statements he had made in the opening of the business.

Mr. LASCELLES was of opinion, that in such a grave proceeding as the present, it was peculiarly incumbent for the accuser to consider well before he preferred his accusation. If the doctrine held forth by the honourable gentleman, that on a subject like the present, he had a right on one day to correct the misconceptions of another, were accepted, not a

single individual in the house or the country would be safe. Every man's reputation might be wantonly injured in the esteem of the public, and an impression be made on his character, never afterwards to be effaced.

COLONEL GORDON was called in and examined, as follows :

Mr. Wardle.—*Q.* What were the merits and services that obtained Captain Maling his rapid promotion, and the gift of his three commissions ?

A. I will state them to the house. The first recommendation for the ensign's commission of Mr. Maling I have now in my hand.

[Colonel Gordon read the following letter :]

London, 20th Nov. 1805.

C. L. agreed to.

" Sir,

" AS I am very anxious to have the regiment under my command complete, I took the liberty of submitting to his
Oct. 1804. Nov. 1804.

" Royal Highness the names of ensigns Budd and Warren,
" (the senior of their rank and of the year 1804) for two of
" the vacant lieutenancies, which his Royal Highness was
" graciously pleased to accede to ; I should humbly beg leave
" to recommend in their succession ———— Murphy, and
" John Maling, gentlemen. They are both very promising
" young men, and of the full age prescribed by his Majesty's
" regulations.

" I have the honour to be,

" Sir,

" Your most obedient and most humble Servant,

Lt. Colonel Gordon,

" &c. &c. &c.

" Horse Guards."

" J. DOYLE, Lt. General,

" Colonel 87."

On the formation of the garrison battalions in November 1806, when the men for limited service were taken out of the body of the army, and placed into separate battalions, it became necessary of course to officer those battalions. Ensign Maling, then with the eighty-seventh regiment, was, with four other ensigns, selected for the fourth garrison battalion,

salion, then in Guernsey—in the same place in which he was serving. Ensign Maling was the senior of three of those ensigns, and he was of that standing in the army which entitled him, not only to promotion in that corps, but into almost any other corps in his Majesty's service. That will account for his promotion to a lieutenancy. Lieutenant Maling joined the garrison battalion to which he was appointed, and remained with it a considerable period. In August 1807, this letter was written to me.

[Colonel Gordon read the following letter:]

" August 17th, 1807.

" Cox and Greenwood."

" SIR,

" I HAVE to beg you would be pleased to lay before his Royal Highness the Commander in Chief, my request, that captain Charles Doyle, of the first garrison battalion, may be transferred to the eighty-seventh regiment, in which corps there is a vacant company, viz Edwards cashiered.

" I take the liberty to enclose a request on the part of lieutenant Maling of the fourth garrison battalion.

" I have the honour, Sir,

" to be your obedient servant,

" C. W. DOYLE,

" Lt. Colonel, 87th,

" Commanding 2d. Batt.

" To Lt. Col. Gordon,

" &c. &c. &c.

" Lieutenant Maling of the fourth garrison battalion humbly requests, to be removed back into the eighty-seventh, there being vacancies in that corps, and the ensigns who were senior to him, are all promoted."

" August 17th, 1807."

Colonel Gordon. Consequently he could not be an aid-de-camp. The statement of the thing was considered as sufficient; the regiment being ordered for embarkation, the Commander in Chief would not permit it, nor could the officer, consistently with his own honour, accept it. The next that we heard of lieutenant Maling, now captain Maling, was on the augmentation of the Royal African corps from four companies to six companies. In the month of last September it became necessary for the Commander in Chief to recommend to his Majesty two officers to fill those vacant

companies. Lieutenant Maling having been recommended to the notice of the Commander in Chief, from the paper now before the house, he was selected for one of those vacant companies : but before he was so selected I spoke to his brother, and asked him if he could answer, that if his brother, lieutenant Maling, was appointed to a company in the African corps, that he would join that corps, and go with them instantly to Goree; the brother assured me that he would answer for his doing so; in consequence of which I submitted his name to the Commander in Chief for one of those vacant companies, to which he was accordingly appointed. After he was appointed, I sent for captain Maling, and repeated to him, as nearly as I can recollect, the very words I repeated to his brother. He expressed himself much honoured in the appointment, much flattered with my notice; and that he was in readiness to set off instantly to the army depôt, to which place I believe he did set off. Many of the African corps were at that time on board a prison-ship. When this prison-ship became too crowded to hold all the men that it was necessary to put into it, a detachment was sent to Castle Cornet, in the island of Guernsey, the only place of security to which men of that description could be sent; captain Maling went with it: and the next that I heard of captain Maling was this letter, two months and a half after he had been appointed :

[Colonel Gordon delivered in the following letter :]

"Guernsey, 25th July, 1808."

"Sir,

"The secretary at war having notified to me, that I am to be
 "allowed one aid de-camp from the 25th of April, I beg you
 "may submit to his Royal Highness the Commander in Chief
 "my request to be permitted to recommend lieutenant Ma-
 "ling of the eighty-seventh regiment for that situation."

"I have the honour to be,

"Sir,

"Your most obedient

"humble servant,

"JOHN FRASER,

"M. G."

"The Adjutant General of the Forces,

"&c. &c. &c."

(Copy.)

" Horse Guards, 30th July, 1808."

" SIR,

" I HAVE the honour to acknowledge the receipt of your
" letter of the 25th inst. and to acquaint you, that the second
" battalion of the eighty-seventh regiment, to which lieutenant
" Maling belongs, has been ordered to be held in readiness for
" immediate embarkation for foreign service.

" I have, &c.

(Signed) " HARRY CALVERT,

" M. General J. Fraser, &c. &c. &c.

" A. G."

" Guernsey."

" Guernsey, 20th Dec. 1808.

" SIR,

" I BEG leave to request permission of his Royal Highness the
" Commander in Chief, to employ as my aid de-camp, cap-
" tain John Maling, of the Royal African corps, who is at
" present stationed in this island with part of that corps.

" I have the honour to be,

" Sir,

" Your most obedient

" humble servant,

" JOHN FRASER.

" M. G."

" The Adjutant General

" of the Forces."

Indorsed:

Dec. 27.

" There was a very large proportion of these men at the
" depot, on board the prison ships, and in other places of con-
" finement; and of these it was reported that some were men
" of less bad conduct than others, and might be usefully em-
" ployed as soldiers, but that it was hard to keep them as pri-
" soners for such a length of time as might elapse before they
" could possibly embark for Goree. The only place for them
" is Castle Cornet, in Guernsey, where their predecessors
" were, and where these men may be trained and formed prior
" to embarkation for Africa.

" Captain Maling is a good young man, and I should ima-
" gine, so long as the corps remains in GUERNSEY, there
" could not be any objection.—Major Chisholm left town yes-
" terday, for Guernsey."

" Horse Guards, 28th Dec, 1808."

" SIR,

" I HAVE had the honour to lay before the Commander in Chief, your letter of the 20th instant; and am directed to acquaint you, that his Royal Highness approves of Captain John Maling, of the Royal African corps, being employed as your aid-de-camp, upon the Staff of Guernsey, so long as a detachment of that corps remains in Guernsey.

" I have, &c.

" H. CALVERT.

" A. G."

" Mr. Gen. Fraser, &c. &c. &c.
" Guernsey."

Mr. Wardle. Q. Is it within your knowledge that there are several subalterns now in the army who have served longer than captain Maling.

A. Unquestionably, there are a very considerable number. May I explain to the house: it is the invariable practice of the army, at least it has been the invariable practice of the present Commander in Chief, without one single exception, that no junior officer can be promoted over the head of his senior; I mean in the regiment into which he is so promoted: but it never has been the practice of the army, that the promotion goes in a regular routine of seniority through the whole army, I never heard of such a practice. I beg further to explain: I conceive it my particular duty to take care, and report to the Commander in Chief, that any officer whose name is submitted to his Royal Highness as a fit and proper person, duly qualified in all respects as to character, as to points of service, and as to his Majesty's regulations, for the service into which he is so recommended; that captain Maling is so, I did certainly conceive; and I do now feel, that he is not only an honour to the corps in which he is placed, but I do firmly believe that he is as promising an officer as any in the army, and as likely to do honour to his country.

On the motion of the CHANCELLOR of the EXCHEQUER the witness was ordered to withdraw; after which the Chancellor of the Exchequer stated, that the question appeared to him to be totally irrelevant.

Sir

Sir F. BURDETT thought that Mr. Wardle would do well to withdraw his charge altogether.

Mr. CROKER however, denied that it could be withdrawn, as the Committee were bound in duty to examine and report upon it.

It was also allowed by Lord FOLKSTONE, that there seemed to be a failure of proof.

This induced Mr. WORTLEY to be of opinion, that it was needless for the Committee to trouble themselves with any further investigation of the subject :

But Mr. WARDLE expressed his disposition to modify his question to colonel Gordon, in any way which might be recommended to him by the honourable gentleman opposite.

Mr. WHITBREAD declared most decidedly, that there was but one mode of proceeding for the Committee to adopt. The Charge having been made, the evidence must be adduced, and the decision reported to the house : and of consequence,

Mr. TIERNEY wished the question to be put. -

Sir A. WELLESLEY observed, that only one answer could be expected ; namely, that there were officers who had served longer than captain Maling, and who, had they been recommended by their colonels, might, perhaps, have received his promotion. Captain Maling had been invariably recommended by the officers under whom he had served.

Upon such ground the SECRETARY AT WAR argued against entertaining the question ; and the CHANCELLOR OF THE EXCHEQUER deprecated the consequence to which the question might lead ; but Mr. TIERNEY was anxious that the question should be put, lest it should be said that the Committee had refused to allow a question to be answered, which might tend to the condemnation of the accused.— Would that be justice to the duke of York ?

Mr.

Mr. CANNING declared, that if the question were allowed to be put to colonel Gordon, he did not see why it would not be just as proper to call a number of persons out of the street and ask them, whether they did not think there were many subalterns in the army who ought to be promoted rather than captain Maling.

After some further discussion in which General BARRY, Mr. BARHAM, Mr. D. BROWNE, Mr. 'LYTTLETON, and Mr. ADAM participated, the question was amended ; and COLONEL GORDON having been called in, it was again put to him as follows :

Mr. Wardle. Q. Do you mean, that no officer is promoted over the head of another who is his senior ; do you mean, that no officer is taken out of one regiment and put into another, over the head of an officer of older rank than himself, who was ready to purchase in that regiment ?

A. I mean distinctly this : if there should be a vacant company, for instance in the fifth regiment of foot, that any lieutenant that the Commander in Chief recommends for that purpose, must be senior to all the lieutenants of the fifth.

Q. Then a major of one regiment could not be put as lieutenant-colonel into another, over the head of a major in that regiment of senior date and rank to himself ?

A. Most undoubtedly not.

Q. Was not colonel Pigot, of a dragoon regiment, promoted over the head of a senior major who then was in that regiment ?

A. I beg to explain that when I say this never takes place, it is made a special instruction from the Commander in Chief to every general officer commanding, that he invariably pursues the practice I have pointed out, except in such cases where he can give strong and sufficient reasons to the contrary. With respect to colonel Pigot, I cannot venture to take upon myself to speak so decidedly from memory : but I believe the honourable member means colonel Pigot of the twenty-first dragoons, now at the Cape ; what the special circumstances of his appointment were, I do not now recollect ; but whatever they were, they were
on

on the special recommendation of the lieutenant general, and colonel of the regiment, lieutenant general Tarleton, that I do recollect.

Q. Do you recollect any unpleasant occurrence happening in consequence of that appointment?

A. I cannot say that I do.

Q. Can you, from you own knowledge say, whether, at the time of lieutenant Maling being promoted to a company, any recommendations for purchase from the commanding officers of regiments, of subalterns of senior date to lieutenant Maling, were before the commander in Chief?

A. Certainly a great many; but this vacancy was not by purchase.

Q. Were there any recommendations of senior subalterns for promotion without purchase before the Commander in Chief?

A. It is very likely that there were.

Q. Can you speak positively to that fact?

A. I think I can.

Q. Do you think that they were to any great number?

A. The army is so very extensive, I cannot have any hesitation in saying, that they must have been to a very great number.

Q. Is it not a regulation, that no officer shall purchase a company unless he has been two years a subaltern?

A. It is a regulation of the army, his Majesty's regulation, that no subaltern can be promoted to a company either by purchase or without, under a service of two years.

Mr. Wortley. Q. Do you command the Royal African corps?

A. I do.

Q. State what has been the length and nature of your services in the army?

A. I have served his Majesty very nearly for twenty-six years; for the last twenty-four of which I have been employed in every part of the world (the East Indies excepted) where his majesty's troops have been stationed, and with very little intermission. I have been four times to the West Indies, and have been there nearly six years; I have been twice to America; I have been all over the Mediterranean; I have commanded a regiment in America; I have com-
manded

manded a regiment in the West Indies. It has been my fortune, very undeservedly perhaps, to have a sword voted for my services, to have been repeatedly thanked by general officers under whom I have been placed. It is perhaps a singular part of my service, that I have not only served in every situation in the army, from an ensign up to my present rank, that a gentleman could serve in, but I have also served in every situation upon the staff of the army, without one single exception. Of this service, twelve years I was a subaltern, nine of these, in constant regimental duty, five years I think as major, two or three years as lieutenant colonel with my regiment, the greatest part of that time abroad:

Q. Were not the regulations for the promotion of the army, which you have mentioned set on foot originally by the Duke of York?

A. They certainly were, when the Duke of York became Commander in Chief of the army. Prior to his being appointed Commander in Chief of the army, an officer who had money might purchase up to the rank of lieutenant-colonel in three weeks or a month, as fast as his separate appointments could be passed through each separate gazette.

Attorney General. Q. Does the rule that you have stated, of not promoting an officer into another regiment where there are officers senior to him of the same rank that he filled in the regiment from which he comes, apply to appointments with or without purchase?

A. It applies to both; that is, no junior officer can be permitted to purchase over the head of a senior officer, provided that senior officer is also willing to purchase, I always mean; or unless there are special reasons to the contrary; something relating to the misconduct of the person.

Q. Can you take upon yourself to say, that there has been no instance of an officer being promoted into another regiment; where, if it is not a case of purchase, there is an unexceptionable senior officer in the same rank; and where it is a case of purchase, where there is an unexceptionable officer, able and willing to purchase?

A. I have already said, that no junior officer can be promoted over the head of a senior officer in the same regiment, and that the same rule applies to purchase; that is that no junior officer can purchase over the head of a senior officer

officer into a regiment where a senior officer is willing to purchase; that I never knew that rule deviated from, except in some particular case or cases, upon which a special explanation could be given.

Q. Upon reference to any paper since you were last examined here, have you any means of accounting for the exchange of lieutenant-colonel Knight and lieutenant-colonel Brooke not being in the gazette till the Tuesday?

A. I stated to the house, I believe, in my evidence the last time I had the honour to give it in this house, that I received the duke's pleasure, his final pleasure, upon the subject of this exchange, on the 23d of July, which date was upon the original paper now on the table of the house. Since that time I have obtained possession of the original paper which was submitted to his Majesty; I now hold that paper in my hand. The exchange was final with the Commander in Chief on the 23d of July, the Tuesday, on Wednesday the 24th it was made out to be sent to the king, but not in time to go by the mail of the day. I beg to inform the house, that the mail passes through the archway of the Horse-Guards exactly at three o'clock; the king being at Weymouth on Thursday the 25th, I sent this paper to his Majesty by the mail. Here is his Majesty's signature to it. . . . *Weymouth, July the 26th 1805; Commissions agreeably to the above list, to be prepared for My signature."* This paper was returned to me on the following day, on Saturday, but too late for the gazette; it was therefore gazetted on the next gazette day. I believe I stated to the house, that when I talk of the next gazette, I mean the next gazette in which military promotions are announced, and it will be found that no military promotions were announced in the gazette on Saturday. I have said that the Commander in Chief had decided upon this exchange on the 23d of July; on reference to my correspondence for the month of July, I find these papers: this is an application to the Commander in Chief (through me) from an honourable member of this house, on behalf of his brother, to exchange into the cavalry, with lieutenant-colonel Knight: *(Colonel Gordon read and delivered in a letter from Mr. Huskisson, dated Treasury Chambers, 22d of July 1805.*

My answer is on the 23d of July, the day I mentioned before.

(Colonel

(Colonel Gordon read and delivered in the answer, dated the 23d of July 1805.

" Treasury Chambers, 22d July 1805.

" My dear Sir.

" THE condescension I experienced lately from his Royal Highness in allowing my brother to purchase a majority in the 8th foot, is not unknown to you, to whose friendly assistance I was much indebted on the occasion. You will probably recollect, that at the time I mentioned to you the probability that my brother would feel anxious for an opportunity of getting back into the cavalry, both an account of his never having served in the infantry, and from the circumstance of his health having suffered so much whilst serving with the 25th Light Dragoons in the East Indies, that he is strongly advised against returning, at least for some years to a hot climate. Under these circumstances I cannot help requesting, if it should not appear too much presumption on my part, that you would submit to his Royal Highness my humble request, that he would afford my brother an opportunity of exchanging into the cavalry. Feeling the great obligation I am already under to his Royal Highness, I should not venture again to trespass so soon on his indulgence, if I had not understood that one of the majors of the 5th dragoon guards had signified a wish to exchange into the infantry, and that it might be a long time before any other opportunity might occur of bringing my brother back into that service, to which, for the reasons I have now troubled you with, he is so anxious to be restored.

" I remain, &c.

(Signed)

" W. HUSKISSON."

" Lieutenant Colonel Gordon."

" Horse Guards, 23rd July, 1805.

" My dear Sir,

" I Have not failed to lay your request, in behalf of your brother, before the Duke of York, and am commanded to acquaint you, that H. R. H. will be glad of any favourable opportunity, by which he can be enabled to accede to it. The exchange with brevet lieutenant colonel Knight, 5th dragoon guards, has already been determined upon in favour of brevet lieutenant colonel Brooke, whose services his Royal Highness was of opinion could not be but favourably considered: but if your brother can find any major in the cavalry who is disposed to exchange to the infantry of the line, the Commander in Chief will have much pleasure in recommending the same to His Majesty.

" Your's very faithfully,

(Signed)

" J. W. GORDON."

" W. Huskisson, Esq. &c. &c. &c.

Mr.

Mr. Worley. Q. State what are the regulations that have been established by the Duke of York with regard to regimental promotions, having regard to the period of service in each rank?

A. The regulations are briefly these; an officer must serve as a subaltern two years before he can be a captain, and he must have served six years before he can be a field officer. I never knew any instance of those rules having been broken through, always as in merchants accounts, saving errors excepted.

Q. How many hours in every day does the Commander in Chief devote to the duties of his office?

A. The Commander in Chief commands my attendance upon him every morning a little after ten; and he very rarely gives up business until past seven in the evening, there or thereabouts, very often past eight.

Q. Is not his Royal Highness particularly punctual in taking care that the business of his office is conducted in such a manner, that reference may always be had to the cause of any promotion?

A. Most undoubtedly he is.

Q. Has not his Royal Highness taken, in the instances where commissions are permitted to be sold, particular precautions to confine those commissions to the regulated price only?

A. He certainly has. I believe it will be necessary for me to trouble the house still further upon this: in the year 1804, when a great augmentation was added to the army of fifty battalions, I did understand that very great abuses were practised with respect to the purchase and sale of commissions; that people endeavoured to obtain commissions unduly, that they endeavoured to impose upon the officers of the army in taking money under the pretence of obtaining commissions, and that this went to a very great extent. I did represent this in the strongest manner to the Commander in Chief, who felt it very sensibly, and expressed the strongest indignation at it, and commanded me to frame an instrument, a copy of which I now hold in my hand, and which was circulated to all the corps of the army. With the permission of the house I will read it.

[Colonel Gordon read the following letter:]

"Circular to Army Agents."

"Horse Guards, September 28, 1804."

"GENTLEMEN,

"HIS Royal Highness the Commander in Chief having the
"strongest reason to believe (from the advertisements that
"have frequently appeared in the public papers) that an ex-
"tensive correspondence is carried on with the officers of the
"army by persons styling themselves army brokers, to induce
"them to enter into pecuniary engagements for the purpose
"of obtaining commissions, contrary to the established regu-
"lations; and it being the earnest desire of the Commander
"in Chief to check as much as possible a practice so extremely
"prejudicial to the service; I am commanded to call your
"attention to this important point, and to impress upon you
"the necessity of the utmost vigilance, in preventing, as far
"as may be in your power, any communication whatever
"with those persons and the officers in your agency: and
"should it at any time appear that any such commissions
"shall have been negotiated through your offices, the Com-
"mander in Chief will consider it his duty to recommend to
"the colonels of the respective regiments to notice such ir-
"regularity, by withdrawing their regiments from that agency,
"and placing them in other hands.

"I have it further in command, to desire that you may be pleased
"to convey to the officers commanding regiments in your
"agency, the most marked disapprobation of his Royal High-
"ness of this improper and secret traffic; and to assure them,
"that if subsequent to the date of this letter any commission
"shall be discovered to be so obtained, such commission will
"be immediately cancelled, and the officer be reported to the
"King, as having acted in direct disobedience to the orders of
"the Commander in Chief.

(Signed)

"J. W. GORDON."

"Circular."

"Horse Guards, 19 October 1804."

SIR,

"I Have the commands of his Royal Highness the Commander
"in Chief, to transmit for your information and guidance a
"paper, containing directions to be from henceforth exactly
"observed in the purchase and sale of all commissions, ac-
"cording to his Majesty's regulations, and which you will
"please to cause to be enforced in the regiment under your
"command.

"Returns of the officers prepared to purchase, are to be made
"out according to the accompanying form, and to be trans-
"mitted in the first instance, as soon as possible after the re-
"ceipt of this letter.

"I have the honour to be, Sir,

"Your most obedient servant,

(Signed)

"J. W. GORDON."

"Officer commanding Regiment of

"1. His

" Horse-Guards, 19 October, 1804."

" 1. His Majesty's regulations, in regard to the sums to be given and received for commissions in the army, having in various instances been disregarded, to the great prejudice of his Majesty's service, his Royal Highness the Commander in Chief is pleased to direct, that when an officer is desirous of retiring from the service, and of having leave to sell his commission, if his regiment is in Great Britain, he is to send his resignation in the usual manner, through the commanding officer of his regiment, to his colonel, who, in transmitting the same to the Commander in Chief, may at the same time, if there are purchasers in the corps, recommend in succession the senior of their respective ranks for purchase, both the colonel and commanding officer, certifying that they are satisfied that no more than the sum stipulated by his Majesty's regulations is given or received.

" 2. Should there be no purchaser in the regiment, the resignation of the Officer desirous to retire is alone to be transmitted in the manner and form above-mentioned; when, should the application be deemed proper to be granted, his Royal Highness will recommend to his Majesty such officer for the purchase as to his Royal Highness may appear most eligible.

" 3. Officers belonging to regiments stationed in Ireland, must make their applications in a similar course to the commander of the forces there; and on foreign stations through the commanding officer to the general officer under whose command they serve; their applications being uniformly sanctioned by their respective commanding officers, who are to certify, in the same manner as colonels of regiments at home, that they are satisfied in regard to the sums given or to be received being in strict conformity to his Majesty's regulations.

" 4. Colonels, when absent from Great Britain and Ireland, may empower the officer in actual command of their regiments, or their regimental agents, to recommend purchasers for vacant commissions, in which case the necessary certificates, in regard to the sum to be paid in regimental successions, must be signed by them in the colonel's absence, as well as the recommendation for the purchase; and the person so recommending to cornetries or ensigncies, vacant by purchase, will be held responsible for the eligibility of the person recommended.

" 5. The Commander in Chief is further pleased to direct, that when an officer is desirous of retiring to half-pay, receiving the difference, the same rules are to be observed in regard to transmitting his application; but no recommendation in succession is to accompany the request to retire, as his Royal Highness will himself nominate the officer to be proposed to his Majesty for the exchange.

" 6. To enable the Commander in Chief to recommend officers for the purchase, it is necessary that regular returns of all officers prepared to purchase promotion should be transmitted from each

“ regiment and corps in the service to the Commander in Chief's
 “ office, Horse-Guards, London, on the 25th March, 25th June,
 “ 25th September, and 25th December in each year, under cover,
 “ to his Royal Highness's Military Secretary; and these returns must
 “ particularly state where the money of each individual desirous of
 “ purchasing is lodged, or to be obtained; and similar returns must
 “ be forwarded to the regimental agents, for the information of their
 “ respective Colonels.

“ 7. Officers on leave of absence from corps on foreign service,
 “ may transmit their applications to purchase or sell through the
 “ colonels of their regiments; and in the event of a change in an
 “ officer's circumstances between the quarterly returns, he may
 “ make a direct communication to head-quarters, in order to prevent
 “ any purchase taking place in his own corps, by which he may be
 “ passed over by a junior officer.

“ 8. This rule is applicable also to officers on the recruiting service,
 “ or on other military duties, whose corps may be on a foreign
 “ station.

“ 9. Officers on half-pay, desirous of exchanging to full-pay, giving
 “ the regulated difference, must address themselves to head-quarters,
 “ stating where their money is lodged, or to be obtained, to enable
 “ the Commander in Chief to recommend them as vacancies
 “ occur.

“ 10. After these orders have been circulated, no attention will be
 “ paid to representations of officers who have neglected to return
 “ themselves prepared to purchase; as, whatever hardships they
 “ may suffer in that case must be entirely owing to their own
 “ neglect.

“ 11. In causing these orders to be circulated to the army, the
 “ Commander in Chief thinks proper to declare, that any officer
 “ who shall be found to have given, directly or indirectly, any thing
 “ beyond the regulated price, in disobedience to his Majesty's orders,
 “ or to have attempted to evade the regulation in any manner what-
 “ ever, will be reported by the Commander in Chief to his Majesty,
 “ in order that he may be removed from the service: and it is also
 “ to be understood, that the prescribed forms of application for the
 “ sale and purchase of commissions, and the usual certificates an-
 “ nexed thereto, are in all instances to be complied with.

“ By Command of

“ His Royal Highness the Commander in Chief,

(Signed)

“ J. W. GORDON.

“ Military Secretary.”

Here a form of return was produced.

In

In consequence of this letter, it was necessary to issue certain regulations, which, perhaps, it will be unnecessary to trouble the house with, but which I will deliver in with my letter. I beg leave to add, that that strong letter was found totally insufficient for the purposes; that it did come to my knowledge, and that I had proof, that those abuses did still exist; that I put that proof into the hands of the most eminent counsel at the time, and they assured me, that I could have no redress against the parties, there was no law to the contrary, and that it did not amount to a misdemeanour. Having mentioned it to the Commander in Chief, I had frequent communication with the then secretary at war, now a right honourable member of this house, and whom I see in his place; and after frequent conferences with this right honourable gentleman, he did bring into this house, and submit to its consideration, a clause, which is now part of the mutiny act, inflicting a penalty upon all persons, not duly authorized, who shall negotiate for the purchase or sale of any commission whatever.

Lord Folkestone. Q. You are in the habit of almost daily intercourse with the Commander in Chief?

A. When the Commander in Chief is in town: I do not recollect that I ever passed a day without communicating with him.

Q. At the time the exchange was effected between colonel Brooke and colonel Knight, the King was at Weymouth?

A. I have shewn it to be so.

Q. Did that paper, containing commissions to be submitted to his Majesty, go down to Weymouth by the mail coach?

A. I believe so, I had no other mode of sending it.

Q. Do you recollect the Duke of York's going down to Weymouth about that time?

A. Perfectly.

Q. Do you know on what day he went to Weymouth?

A. I do exactly.

Q. On what day?

A. It was the 31st of July.

Q. You have stated, that according to the new regulations introduced since the Duke of York has been Com-

mander in Chief, a certain number of years must elapse before an officer can be promoted to a certain rank in the army; is any service required by those regulations besides length of time?

A. It is generally understood that an officer must serve six years.

Q. Has it ever come within your knowledge that any officer has been promoted without any service whatever?

A. No, it has not.

Q. Has it ever come within your knowledge that a boy at school has had a commission of ensign?

A. Yes, it certainly has, I think in some three, four, or perhaps some half dozen instances; not exceeding that; but those commissions have been surreptitiously obtained: and when it was known that the boy was at school, the commission has been cancelled, and that reason given in the gazette.

Q. Have they been cancelled in every instance?

A. In every instance that has come to the Commander in Chief's knowledge, and the Commander in Chief will be obliged to any gentleman that would point out an instance.

Q. Could you name those instances?

A. Not immediately from my recollection, but I can obtain them from reference; but one I can name. I recollect the Barrack Master of Blythe, I think; the name I do not immediately recollect; but the person I do perfectly, recommending on the score of his own service and great distress, that his son should be recommended for a commission; I recollect also having some suspicion at the time, that this son was not of a proper age; and I do further recollect desiring the officer commanding there, then in command, to examine the young man; and the report of that officer was, that he thought him, though young, eligible for a commission; upon such report the young man was appointed, but when he joined his regiment, the officer commanding that regiment was of a different opinion, and reported him as too young, and I do perfectly recollect that commission was cancelled.

Q. Is that the only instance which occurs to your recollection?

A. That is the only instance that occurs; the name of the boy was Kelly.

Q. You

Q. You have in that box by you, papers ready to answer questions which have been put to you; had you before you came here any idea of the questions that would be put to you?

A. Upon my word I had not the papers that are now in this box relative to the exchange of lieutenant-colonels Brooke and Knight, part of which I have shewn to the house. All the others relate to the appointment of captain Maling: to the appointment of all the officers of the African corps, and to every thing in any manner connected with the African corps.

Q. You had no information of the other questions that would be asked you to-night?

A. Most undoubtedly not.

Sir Arthur Wellesley. **Q.** You have stated, that you recommended lieutenant Maling to be made a captain in the African corps; did you recommend him in your capacity of lieutenant-colonel commandant of the African corps?

A. I most undoubtedly did; because I know it is an extremely difficult thing to get officers to join such a corps as that in such a place; and I thought it my duty to take particular care, that whatever officer was appointed to the African corps, should clearly understand, that nothing was to prevent him from joining it.

Q. Whom did you recommend to the other company which was added to the African corps at that time?

A. The other officer that was recommended for the company of the African corps was a lieutenant, Edward Hare; his memorial I now hold in my hand, if the house would chuse to have it read.

[Colonel Gordon read the following memorial:]

“ SIR,

“ I HAVE the honour to transmit to you, the memorial of
“ Lieutenant Hare of the 1st Garrison battalion, which I re-
“ quest you will take the earliest opportunity of laying before
“ his Royal Highness the Commander in Chief.

“ I beg leave to state, that Lieutenant Hare was remarkably
“ well recommended to me, previous to his accepting my
“ adjutaney, by the Earl of Dalhousie, under whom, he
“ served upwards of two years. During the time he was in
my

" my volunteer corps, his behaviour was such as to afford
" every satisfaction to myself, and to all my officers.

" I have the honour to assure you that I am,

" Sir, your most obedient Servant,

" JOHN LAWSON,

" Lt. Col. Com. Catterick &

" Richmond Vol. Infantry."

" Brough-hall, 30th August, 1808."

" To Field-Marshal his Royal Highness the Duke of
" York, Commander in Chief, &c. &c. &c.

" The Memorial of Lieutenant Edward Hare of the
" 1st Garrison Battalion,

" Sheweth,

" That your memorialist has had the honour of serving his
" Majesty as a subaltern officer for near fifteen years, the par-
" ticulars of which he has had the honour of stating to your
" Royal Highness in a former memorial, accompanied by
" testimonials from those under whom he has had the honour
" to serve ; when your Royal Highness was graciously pleased
" to promise him promotion.

" Your memorialist is induced, from the length and nature of
" his service, humbly to solicit, that your Royal Highness
" will be graciously pleased to recommend him to his
" Majesty for a company in the Royal African Corps, or any
" other regiment your Royal Highness may be pleased to
" appoint.

" Which is submitted,

" August 24th, 1808.

C. T.

" The Cr. C. has no opportunity of recommending him for pro-
" motion, but he may be recommended to a regiment of the
" line, if he is desirous of more actual service.

" G. W.

C. T.

2d September.

" He may be recommended for the vacant company, R. A.
" Corps."

" September 19, 1808.

" J. W. G."

" To Field-Marshal His ROYAL HIGHNESS the DUKE of
" YORK, Commander in Chief of his Majesty's
" Forces, &c. &c. &c.

" The Memorial of Lieutenant Edward Hare, of the
" 1st Garrison Battalion,

" Sheweth,

" THAT your memorialist has been actively employed as a
" subaltern officer for upwards of eleven years ; that he served
" in the 2d West York regiment of Militia from March 1794

" till

" till August 1797, when he purchased an ensigncy in the
" 2d or Queen's regiment, in which he served the campaign
" in Holland under your Royal Highness's command; that
" he was appointed lieutenant in the 35th regiment on the
" 2d of November 1799, in which he served near three years
" in the Mediterranean; that in consequence of bad health
" he was obliged to retire upon half-pay in June, 1803, with-
" out taking the difference of exchange; that in February
" 1804, he found his health recovering, when he got the ap-
" pointment of adjutant in the Catterick and Richmond
" Volunteers, where he served till he found himself enabled
" to return to his duty in the line, when he applied to be
" restored to full pay.

" Your memorialist begs leave to offer his best thanks for your
" attention to his memorial of the 11th of August last, when
" your Royal Highness was pleased to order his name to be
" noted for promotion; most humbly and confidentially
" hoping, that the length and nature of his services, together
" with the testimonials enclosed, may entitle him to your
" Royal Highness's recommendation for a company.

" EDWARD HARE,

" *Lieutenant 1st Garrison Battalion.*"

" Which is submitted,
" *January 4th, 1806.*"

" I certify that Lieutenant E. Hare served in the 35th regiment,
" from the year 1799, with attention and credit, till June,
" 1803, when, in consequence of bad health, he was placed
" on half pay.

" CHARLES LENNOX.

" *Col. 35th Regiment and Lieut. General.*"

" *December 9th 1805,*

" *Lieutenant E. Hare, 1st Gar. Bat.*"

" *Stockton on Tees, December, 1805.*

" DEAR SIR,

" I HAVE great pleasure in bearing testimony of your exer-
" tions and unremitting attention in promoting the duty and
" discipline of the Catterick and Richmond corps, which,
" from being placed under my inspection, I had every op-
" portunity of observing; and I trust, before long, you may
" again be placed in a situation where your zeal and abilities
" may be of service to your country;

" I am, Dear Sir,

" Your obedient Servant,

" THOMAS B. GREY,

" *Lieut. Col. & F. F. O.*

" *Yorkshire District.*"

" *Lieut. Hare,*
" *1st Garrison Bat.*"

AT

" AT the request of Lieutenant Edward Hare, I certify that he
" was appointed ensign in the 2d West York regiment of
" Militia in March 1794; was promoted to a lieutenancy in
" the same year, and continued to serve till August, 1797,
" when he purchased an ensigncy in his Majesty's 2d or
" Queen's regiment; and, during the time he was under
" my command, always conducted himself with propriety,
" and with attention to his duty.

" DOWNE;
" Col. 2d West York."

Colonel Gordon.—This memorial was forwarded by John Lawson, Lieutenant Colonel of the Catterick Volunteer regiment, and certified by the Duke of Richmond, and by Lieutenant Colonel Grey, the inspecting field officer of the district.

Mr. Wardle. Q. What were the services of captain Maling's brother, who is, I believe, a captain in the army, who is in the war-office?

A. There is a captain Maling, an assistant of mine, in the office of Commander in Chief; I take for granted that is the person referred to. What his services are as lieutenant I really do not know; I found him as lieutenant in the office of the Commander in Chief; and in consideration of his extraordinary good character, and more than common abilities, the promotions of the army going through his hands under mine, I did recommend him to his Royal Highness the Commander in Chief, to be placed upon the half-pay as a captain, upon which half pay he most assuredly will be placed as soon as an opportunity offers; but the Commander in Chief has it not in his power.

Q. Do you know whether or not that captain Maling ever joined and did duty with any regiment?

A. I do not know that he did; and I do not think that he did.

Q. Does not the Commander in Chief require testimonial, that each candidate for the army shall be at least sixteen years of age?

A. That is the general rule; but it sometimes happens that a boy of fifteen may be more strong than a boy of sixteen or seventeen; and all that the Commander in Chief requires is, that he shall be competent to his duty.

Q. Is

Q. Is it not a general order, that every officer shall join his regiment within one month after his appointment, except in some special instance?

A. It is very probable that it may be so, but I really cannot speak to that.

Lord Folstone. **Q.** You are very positive as to the date of the duke of York's going to Weymouth in the summer of 1805; do you know at what time of the day his Royal Highness went?

A. Upon my word I cannot speak with any degree of accuracy; but it is the custom of the duke to travel in the night, and he probably went in the night.

Q. Do you apprehend that he did go in the night?

A. I cannot give a more positive answer than I did before.

The examination of colonel Gordon here closed, and he withdrew.

The CHANCELLOR OF THE EXCHEQUER wished to know when the honourable gentleman would be prepared to bring forward the next charge, and which he would commence with.

Mr. CROKER thought that as the committee had that night heard one of the charges, and had completely made up their minds upon it, they should come to a decision upon that charge; but the CHANCELLOR OF THE EXCHEQUER observed, that it was not within the province of the committee to decide upon the charges. It was their duty to report the evidence to the House, under whose correction they acted.

Lord CASTLEREAGH informed Mr. Wardle, he expected that captain Huxley Sandon would very soon arrive in London, and that consequently there was no occasion to postpone entering into any charge on account of his absence. He thought it probable that he might be in town by Monday.

Mr. WARDLE said, that he would wish upon Monday to fix an early day.

Mr.

Mr. SHERIDAM could not conceive why the honourable gentleman should not be ready, if his witnesses were. If this captain Huxley Sandon did arrive by Monday, he could see no reason why the business should not go on.

Mr. Secretary CANNING could not conceive why the honourable member wished to delay the business. He did not suppose that he would bring forward such a charge upon a reliance of the necessary witnesses being absent.

Mr. WARDLE had many reasons for wishing to fix Tuesday instead of Monday. He was not yet able to discover where a Mrs. Shaw lived. He had been told that she was in Bath, and his agent had inquired there, but found she had left it. He believed she would be a material witness. He wished for no unnecessary delay, but he hoped that the usual indulgence of the House would grant him a few days to consider which charge he should next go into. He would even engage to communicate tomorrow to the right honourable gentleman privately the charge he meant next to proceed on, and to give the list of witnesses whose attendance he should require.

Upon this ground Lord FOLKSTONE thought the honourable gentleman was entitled to the usual indulgence of the House, and that there was no reason for imputing to him a wish for delay.

Mr. WILLIAM SMITH however, could not conceive the reason which the honourable gentleman had, for not making up his mind as to which of the charges he should next proceed upon. The honourable gentleman might have private reasons, and he thought it would be much more for the character of the House, and the Royal Duke, that the honourable gentleman who stood forward as his accuser,

cuser, should not appear to be unkindly treated or brow-beaten by the House. The accuser, as well as the accused, should be treated in the most impartial manner. He thought this justice was the more peculiarly due to the accuser, when a right honourable secretary* had thrown out a sort of threat to him, in saying, that infamy must attach somewhere. This threat, however, notwithstanding the high authority and official weight of the quarter from whence it proceeded, would not, as he believed, produce its object. He spoke impartially on the subject, for he might venture to disclaim, not only for himself, but, as he believed, for all those who sat on the same benches with him, any knowledge or participation in the charges which the honourable gentleman had thought proper to bring forward.

This impelled Mr. Secretary CANNING to consider it a most unfounded insinuation to construe what he had said into a threat or a supposition that his official weight was to have any influence on the determination of the Committee. "He believed the honourable gentleman's affectation of candour would have as little weight. The honourable gentleman had disclaimed all knowledge or participation in this accusation, both for himself and all those who sat near him on the same benches. He would give the honourable gentleman credit as far as he spoke of himself only; but when he spoke of all those around him, he believed he spoke without authority."

Mr. W. SMITH hoped the house would exercise a candid judgment between him and the right honourable Secretary. If his candour was affected, that of the house would be real. Those friends who sat near him, and had spoken, and they were no inconsiderable number, all disowned any participation in

* Mr. Canning.

the charges; and therefore it would appear, that if he did not speak from authority, he spoke from a considerable degree of knowledge."

Sir F. BURDETT. "After the attack which had been made from the other side of the house, he felt it requisite for him to say, that if this was the way persons who came forward on accusations were to be assisted by the wisdom of the house, there would be very little encouragement for any member to put himself forward for the detection of any great public abuses. He could not tell who the right honourable Secretary alluded to; but for himself he would be ashamed to disclaim publicly any thing which a member of parliament might do with perfect propriety. If any member in the house had been consulted on those charges before they were brought in, he might with perfect propriety give his opinion, whatever it might be, upon the subject. As for his part, he should continue to discharge his parliamentary duty according to the best of his judgment, without fearing the comments which others might make upon his conduct. He thought the honourable gentleman entitled to protection, as he had in a very incautious manner exposed himself to considerable obloquy. He would deprecate, as contrary to the ends of justice, any appearance of indecent precipitation in the Committee in forcing the honourable gentleman to proceed in his charges, at a time that he declared himself not to be quite ready. At the same time he must say, that he could see no reason why the honourable gentleman should not then say what charge he intended next to proceed upon, and give in his list of witnesses. If he did so, he thought he was entitled to the usual indulgence of the house."

Mr. Secretary CANNING. "The course mentioned by the honourable baronet in the conclusion of his speech was precisely the course that he had wanted the honourable gentleman to pursue. If captain
Huxley

Huxley Sandon, who was stated as such a necessary witness, did not arrive by Monday, that might be a reason for delay; but if he did arrive, and was ready to give his evidence, there could be no reason for delay on his account. As to Mrs. Shaw, there could be no additional delay in finding her, from the house granting a summons for her attendance. He thought the honourable gentleman should proceed without delay, with all the witnesses he had; and if afterwards it appeared that material witnesses were absent, some farther time might be granted.

As to the allusion which he was supposed to have made to some gentlemen on the other side of the house, he declared, that if there was one individual to whom he did not refer, it was to the honourable baronet, for he considered that the honourable baronet had, upon the present occasion, taken his ground manfully, expressed himself most clearly, that he int-ferred no farther in the discussion than he was fully entitled to do, and that he had taken no part but what he was perfectly equal to maintain. There might, however, be others sitting near him who were consulted in those proceedings, who advised them, who watched the operation of them, and sheltered themselves in silence. To such men, and to such conduct he could not give the same praise of fairness and manliness to which he thought the conduct of the honourable baronet entitled."

This brought up Mr. WHITBREAD, who exclaimed "I wish the right honourable gentleman would practise that manliness that he praises in the honourable baronet, and name the member he alludes to. (Mr. Canning made no answer). If the right honourable gentleman refuses to name, the Committee must believe that his insinuation is utterly without foundation."

Mr. BARHAM thought, that the right honourable gentleman, who imputed to others speaking without
M 2 authority,

authority, appeared to speak himself without foundation.

Mr. WHITBREAD. "The matter was too serious to pass it over lightly. The right honourable gentleman has made a most pointed allusion to some gentleman on this side of the house, and if he refuses to name when called upon, it would be for him to consider to whom the charge of want of manliness, or sheltering themselves in silence, would most properly apply."

Mr. YORKE remarked that for the length of time he had been in parliament, he had never heard a call to name any member of that house. It would be most unparliamentary to do it.

Mr. WHITBREAD certainly admitted, "that he had not sat altogether as long as that honourable gentleman in parliament; but if, upon that account, he was inferior in parliamentary experience, he was less imperious in his manner of expressing his opinion. The fact was, that the right honourable gentleman must be well aware that he had a particular reason for asking to whom he alluded; or he might say, whether it was not to him he alluded?"

Mr. Secretary CANNING made no reply.

Upon the question being put, that the Committee report progress, and have leave to sit again,

Mr. FULLER. "Indeed, Sir, I think we had best all go home, and go to bed."

After a loud laugh, the house was resumed; and there was a conversation respecting the day upon which the business should be proceeded on. It appeared the general sense of the house, that it should be on the ensuing Monday.

Mr. SHERIDAN thought it should be fixed for Monday, and that no other business was of such importance, in the present times, as rescuing the Commander in Chief, and the administration of the army,

* Mr. Canning.

from

from charges which he trusted would prove to be unfounded. He was perfectly convinced that his hon. friend* who brought forward the charges, did it from pure motives and a sense of duty; but when he first heard of those accusations, he sent a common friend to warn him not to give too much credit to the sort of evidence upon which such charge would probably rest. He was very sorry indeed that his hon. friend neglected this warning; and he feared that he was lending himself as an instrument to an association who were conspiring against the character of the Royal Duke. In his opening speech, he had taken credit to himself for stating the number of witnesses by which each of his charges were to be proved; and yet when it came to the point, it appeared that as to many of the witnesses whom he had mentioned, it was impossible for him to foresee whether their testimony would be favourable or unfavourable. When he brought the charge with respect to colonel French, he must have known that that officer was then in the island of Jamaica, and could not attend. It appeared to him most essentially necessary, that the army should be no longer in doubt whether their Commander in Chief was not intitled to their respect. The discipline and efficiency of the army so much depended upon that respect, that he thought no public business could be of greater importance. He therefore wished the business to be fixed for Monday."

After a short conversation, however, it was fixed, for Tuesday, and the following witnesses were ordered to attend:—Mr. GRANT, Captain H. SANDON, Mr. COCKAYNE, Mr. CORRI, Mr. DONOVAN, Captain SUTTON, and Mrs. CLARKE.—Adjourned.

* Mr. Wardle

MONDAY, Feb. 6.

The following witnesses, on the motion of Mr. Wardle, were ordered to be summoned to attend on the following day the Committee of the whole House, appointed to investigate the conduct of his Royal Highness the Duke of York:—James Comrie, Esq. William Stoker, Esq. Mr. Peirson, and William Dowler, Esq.

Mr. Wardle also moved for all documents any wise tending to elucidate the nature of the levy raised by colonel French; which was agreed to without remark or opposition.

On the motion of the Solicitor General*, colonel Lorraine was ordered to attend as an evidence before the committee of the whole house, on the charges against the Duke of York.

On TUESDAY the 7th of FEBRUARY,

Mr. Wardle moved the order of the day for going into a committee of the whole House to investigate further into the conduct of his Royal Highness the Duke of York.

Mr. WHARTON in the Chair.

Mr. WARDLE wished to ascertain from the Chancellor of the Exchequer, whether it was his intention then to proceed in the examination of the witnesses summoned on the part of the Commander in Chief, and who were then in attendance?

The CHANCELLOR OF THE EXCHEQUER answered, that as it was probable those witnesses would be examined on the charge which Mr. Wardle was then about to proceed on, he conceived it the preferable method for that honourable gentleman to commence with his evidence.

Mr. WHITBREAD considered it the most regular mode that the witnesses summoned for the purpose of

* Sir Thomas Plomer.

impeaching

impeaching the testimony of the evidence produced by his honourable friend should be examined prior to any fresh charge.

The CHANCELLOR OF THE EXCHEQUER observed, that he was ignorant of the nature of the evidence which the honourable gentleman's witnesses were to give, he therefore could not speak so decidedly on the propriety of the course to be pursued.

Mr. WHITBREAD —“ The right honourable the chancellor knows as much of their testimony as I do. I only recommended that course which regularity prescribed.”

Mr. JOHN FEW was called in and examined by the Committee as follows:

Attorney General. Q. What business do you carry on?

A. An auctioneer.

Q. Do you know Mrs. Clarke?

A. Not now, I do not.

Q. Did you ever know her?

A. In the year 1803.

Q. Where did she then live?

A. In Tavistock-place, next door to Tavistock chapel.

Q. Did she order any furniture from you?

A. No; at the time I lived in Bernard-street, Russell-square; and I had a share in a glass concern in Holborn. She called; and, by direction of my partner, I waited upon her; it was to consult me about fitting up a Grecian lamp in her back room. After she had talked a little while, I sat down and drank some wine with her. In the matter of conversation, from one thing leading to another, she seemed to be acquainted with almost every person that I knew. I sat there perhaps about half an hour; a person, whom I understood to be her sister, was present.

Q. Did she represent herself as being a married woman, or a person who had been married?

A. She talked of her late husband, and of her children, who were then at school.

Q. What further passed?

A. Nothing

A. Nothing more than general conversation; I conceived that she knew almost every body that I knew. I can hardly describe her to you; for I never met with any person who, on the first interview, behaved so extremely polite and genteel to a stranger; I saw her two or three times, and drank wine with her; and she consulted me about placing of some glasses, and the size and shape of some figures, whether they were too large for the room.

Q. Did she give any orders to you?

A. Yes; she desired I would have a Grecian lamp made, to fit up in the back room, which I believe came to about twenty pounds.

Q. What was the price of that lamp?

A. About twenty pounds, I cannot say exactly; the whole of the account with me was twenty pounds odd.

Q. When was the order given for this lamp?

A. About the middle of May, about the 18th or 20th of May; the first delivery to her was the 24th of May, 1803.

Q. Did you see any one but Mrs. Clarke at this house?

A. I saw her sister and I saw her mother, but that was subsequent to my bringing an action against her. When I arrested her, she mentioned to me at the time that she had purchased that house of Mr. Burton, and given one thousand two hundred pounds for it: I applied to Mr. Burton, and he corroborated her having bought it; but I do not recollect the amount.

Q. Did you ever observe any thing which led you to believe she was not a widow?

A. I once called, I believe, in the morning, to see whether the lamp was properly hung, or I was asked by an upholsterer to get him a sight of the house, and I saw a cocked hat; I made an observation to the servant, and the servant said her mistress was a gay young widow, and had been at the masquerade the night before, and of course I did not suspect any thing after that.

Q. Were you paid for those articles you furnished?

A. Subsequently I was; I brought an action against her, but I was nonsuited.

Q. How so?

A. I do not understand the distinction; but she either pleaded her coverture, or gave it in evidence; I believe

lieve there is a distinction, but I do not know which it was.

Q. You were defeated upon the ground of her being a married woman?

A. Certainly; I was in court at the time.

Mr. Wardle. Q. Did you ever write any letters to Mrs. Clarke, upon the subject of this demand?

A. I am pretty certain I did not, I am almost certain I did not; do you mean the demand after my action or before; I believe I did not in either case.

Q. Do you recollect writing any letter, threatening to expose her?

A. I cannot say, I might; I drew up a hand-bill and sent it to her, but whether I sent any note to her with that I cannot say; that hand-bill was warning the tradesmen in the neighbourhood of Gloucester-place, from trusting her.

Q. Do you recollect sending the hand-bill to any body else in a letter?

A. Yes, I do recollect, I enclosed one to the Duke of York, directed to Portman-square; I think it was.

Q. Do you recollect whether you wrote to the Duke of York, when you sent the hand-bill?

A. I do not think I made one single letter inside; I am pretty certain I did not.

Q. Are those letters your hand-writing?

A. Yes, this is my hand-writing; I had not the least recollection that I had ever written it.

Q. Is that the hand-bill?

A. Yes, that is the hand-bill; I tried to get a copy of it when I was served with the order of the house, but could not.

[The hand-bill and letter were delivered in, and read.]

"MADAM,

"AS I have not heard from you in reply to my last letter, I
" think myself justified in informing you, that in the course
" of a week the enclosed hand bill will be published, which
" no doubt will prevent any other tradesman from subjecting
" himself to similar treatment. As the wording of the bill
" has received the legal sanction of very able men in the pro-
" fession

" session, I am perfectly at ease in regard to any additional
" threats that may be held out to me.

" I remain

" 22 June 1804.

" Your obedient Servant,

" JOHN FEW, Jun.

" Mrs. Clarke,

" Gloucester Place.

" No. 18, Portman Square.

" Caution to Tradesmen."

" THIS is to give Notice to the Tradesmen in the Neighbour-
" hood of PORTMAN-SQUARE, that they cannot recover, by
" Law, any Debt from MRS. MARY ANNE CLARKE, for-
" merly of TAVISTOCK PLACE, RUSSEL-SQUARE, but now of
" GLOUCESTER-PLACE, she being a married Woman, and
" her Husband now living, though his Place of Residence
" was *unknown* even to herself or her mother. These Facts
" were proved on the Trial of an Action, lately brought by a
" Tradesman in Holborn, against this MRS. MARY ANNE
" CLARKE, for Goods *actually* sold and delivered to *her*; but
" she availing herself of her Coverture (which, to the great
" Surprise of the Plaintiff, she *contrived* to prove,) he could
" not by Law obtain any Part of his Demand; and, being
" consequently non-suited, an Execution for her Costs was,
" by her Attorney, *actually* put into his, the Tradesman's
" House!!!"

" W. MARCHANT, Printer, 3, Greville-Street, Holborn."

Mr. Wardle. Q. I understand you to have stated, that
you were paid your bill; was that subsequent to that hand-
bill being published?

A. Of course it must be, I should hardly have published
it, if I had had my bill. I received the debt and costs.

Q. Did you recover your bill by any process of law?

A. I could not.

Q. You were paid it entirely through the will of Mrs.
Clarke.

A. It is impossible for me to say, I did not receive it
from Mrs. Clarke.

Q. After being non-suited, and after that hand-bill
had been published, Mrs. Clarke paid you your bill?

A. I cannot say it was Mrs. Clarke, I received the
money through a Mr. Comrie; it was immaterial to me
who paid it.

Q. Did you know Mr. Comrie to be Mrs. Clarke's pro-
fessional man?

A. That

A. That was impossible to say, Mr. Stokes defended the action, and afterwards Mr. Comrie paid me the money.

Q. Is Mr. Comrie a lawyer?

A. I believe so.

Q. Do you know that he was Mrs. Clarke's lawyer?

A. It is impossible for me to know that, because one defended the action, and then it came to Mr. Comrie; it was impossible for me to tell.

Q. Did Mr. Comrie defend the action against Mrs. Clarke?

A. No; Mr. Stokes. I believe so, because Mrs. Clarke told me afterwards, that she never authorized Mr. Stokes to give that plea.

Q. Mr. Comrie paid you the money:

A. By his Clerk.

{The witness was directed to withdraw.

MR. THOMAS STOWERS was called in, and examined by the Committee as follows:

Attorney General. **Q.** Did you know Mrs. Clarke before she was married to Mr. Clarke?

A. I did not.

Q. Did you know her after she was married to Mr. Clarke?

A. I did.

Q. Do you remember the time when Mr. Clarke was married to her?

A. I never knew the time.

Q. What business did Mr. Clarke then carry on?

A. When I first knew Mrs. Clarke, by being wife to Mr. Clarke, he was not in business just at that time; he was a young man.

Q. What business did he afterwards carry on?

A. That of a stone-mason.

Q. Was that soon after his marriage?

A. I cannot speak to that; I did not imagine that he was married so soon, as I understood he had an acquaintance with this lady.

Q. Did he carry on the business of a stone-mason while she was living with him?

A. He

A. He certainly did.

Q. For how long?

A. Not less than three or four years.

Q. Was she living with him all that time?

A. As I never visited them, I cannot undertake to say she lived with him all that time, but I conceived she lived with him the principal part of the time.

Q. Had they any children?

A. Not less than three.

Q. Were those children born during the time he was carrying on the business of a stone-mason?

A. Some of them were.

Mr. Wardle. **Q.** Where did Mr. Clarke live at the time you speak of?

A. The first part of the time he lived in Charles's square, Hoxton; then he was not in business as a mason.

Q. Was Mrs. Clarke with him at that period?

A. Certainly she was.

Q. How long did they live there?

A. As I did not visit them, I cannot speak positively; I know it was not less than one year, and, I should imagine, not more than two.

Q. Where did they live afterwards?

A. I do not know of their living any where else, till they went to live in Golden-lane, where he carried on the business of a mason.

Q. When was this?

A. He commenced there somewhere about 1794, and he lived there about three or four years.

Q. Had Mr. Clarke a stone-mason's yard there?

A. He had.

Q. At the first place he lived at?

A. In Charles's square, Hoxton, he lived on his fortune; he had no business.

Q. Did you visit at his house?

A. I never did visit him at any time wherever he lived.

Q. Did you know Mrs. Clarke by sight?

A. Yes, I did.

Q. Did you know when Mrs. Clarke parted with her husband?

A. No, indeed I did not.

Q. You

Q. You have no guess when she parted with her husband?

A. No further than that it was after they quitted Golden Lane I understood.

Q. Do you recollect who told you so?

A. No; public report.

Q. You know nothing about the matter, of your own knowledge?

A. I do not.

Q. Where do you yourself live?

A. In Charterhouse Square.

[The Witness was directed to withdraw.

On the Motion of Mr. WARDLE

Mr. JAMES COMRIE was called in, and examined by the Committee, as follows;

Q. Do you know Mrs. Clarke?

A. I do.

Q. Have you been employed by her in your professional line?

A. I have.

Q. What is your profession?

A. A solicitor.

Q. Had you ever any conversation with the Duke of York respecting Mrs. Clarke?

A. In consequence of Mrs. Clarke's wishing me to wait upon the Duke of York, I said that I should wish to receive a message for that purpose from his Royal Highness. I did receive such a message, I think in writing; in consequence of which, I waited upon the Duke of York in Portman Square.

Q. State what passed?

A. The Duke of York spoke to me upon private professional business; I therefore appeal to the Chair with great submission, whether, under those circumstances, I am bound to divulge it.

[The Witness was directed to withdraw.

The CHANCELLOR of the EXCHEQUER observed,
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that the witness was not attorney to his Royal Highness, but had stated himself to be so only to Mrs. Clarke; he saw, therefore, no private business that could take place of a nature that could prevent the witness from answering the question. Were they not to insist on an answer to the question, a worse construction might be put upon it than any thing that the answer itself could warrant. He wished every information possible to be obtained.

Mr. FULLER here desired to be heard, and endeavoured to express a contrary opinion, but, from the opposition he met with on all sides, was obliged to sit down.

Mr. COMRIE being again called in, the Chairman informed him it was the pleasure of the Committee that he should answer the last question.

Q. State what passed.

A. The Duke of York wished to know if I could raise him ten thousand pounds by way of mortgage.

Mr. FULLER (on the witness being again ordered to withdraw), observed, that the tenor of his evidence shewed him to be confidentially employed by the Duke of York, and it was therefore improper to put questions, the answers to which produced a divulgement of secret communications. It was the same if the communication had been with Mrs. Clarke, it was confidential, and the witness ought to be protected.

Mr. WARDLE observed, that it was far from his wish to have any of His Royal Highness's private transactions made the subject of discussion, which did not relate to the charges brought forward; but a Learned Gentleman had stated on a former night, that it was impossible for Mrs. Clarke to have had any pecuniary transactions with the Duke of York, without
his

his knowledge. He (Mr. Wardle) had then stated, that he could prove that transactions to a much greater extent than any thing he had mentioned had taken place within the knowledge of the Learned Gentleman*. He had pledged himself also, that a man of business could prove this accommodation; and he now wished to shew by this evidence that the accommodation had taken place through the medium of Mrs. Clarke. He would be the last man to wound the feelings of the Duke of York, but he conceived the evidence of this witness necessary to confirm his former statement in reply to that Gentleman.

Mr. ADAM regretted that things supposed to be said, were frequently retained, and afterwards repeated, as though they had been actually said. No such thing had been mentioned as had been now imputed to him; and he would therefore remind the Honourable Member, and the Committee, of what he had really said. Perfectly confident that his Royal Highness had communicated to him all his pecuniary concerns with an unusual minuteness and accuracy, he had asserted, that he could almost say that no such transactions could have taken place without his knowledge. He did not wish to prevent the witness from answering such questions, as Mr. Comrie was certainly not understood to be His Royal Highness's lawyer.

The witness being again called to the bar, the examination was resumed by Mr. WARDLE.

Q. Can you recollect what farther passed between his Royal Highness and you on that interview?

A. I told his Royal Highness I could procure the loan, and after some conversation, His Royal Highness referred me to his man of business, Mr. William Adam of Bloomsbury Square. His Royal Highness asked me if I knew him? I replied, not personally, but by reputation. I men-

* Mr. Adam.

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tioned

tioned that I knew him to be a man of very high character. Shortly afterwards, I called upon Mr. Adam, and saw him; I think he mentioned that His Royal Highness had told him I was to call upon him, Mr. Adam, we proceeded to discuss the business, and Mr. Adam said, that His Royal Highness had occasion for that sum, I think he said to complete the purchase of some tithes in the vicinity of Oatlands; I am not quite sure as to that, but I think it was so; and he said His Royal Highness's then solicitors, Messrs. Farrer and Atkinson, would shortly send me the necessary abstracts, which they did. In the mean time, I had applied to a client of mine, a rich client, and he had agreed to lend His Royal Highness the money. The abstracts were laid before a conveyancer, Mr. Walker, of the Temple. We made some objections, I think, which is usual on those cases, questions to be answered; it generally happens so. The money was ready to be advanced, and the abstracts were returned to Messrs. Farrer and Atkinson, to answer those queries. I should state, that for expedition, (for it was mentioned that expedition was necessary,) I had copies made of those abstracts to accelerate the business. I returned the abstracts to Messrs. Farrer and Atkinson, but those that I returned were never sent back to me, and the loan was afterwards declined, and Messrs. Farrer and Atkinson desired me to send in my bill, which I did.

Q. Had you ever any conversation, either at that time or any other, with the Duke of York, about Mrs. Clarke?

A. I had.

Q. Do you recollect that he ever assigned any reason that was prejudicial to her character, when he parted with her?

A. The Duke of York stated to me, that he had been served with a subpoena to appear in the Court of King's Bench; I think it was on a trial which was then pending, in which Mrs. Clarke was the Defendant; which subpoena had been accompanied by a very severe letter, describing her very improper conduct in having pleaded her coverture to an action brought for goods sold and delivered; and I think, upon a Bill of Exchange, one or other, I do not immediately recollect which. His Royal Highness

sess. stated that that was the reason which occasioned the separation.

Q. Do you mean to state, that you understood from the Duke of York, that she had done so without his knowledge?

A. He did not state that; but he said, after such a thing as that, it was impossible but that they must separate, or words to that effect.

Q. Did he complain of any other bad conduct in Mrs. Clarke?

A. I do not recollect that he did. I think His Royal Highness said, that he had sent the letter and subpoena to Mr. Adam.

Q. Do you recollect any thing further that passed in the conversation?

A. There was something passed about the allowance to be made to Mrs. Clarke.

Q. Do you recollect what that allowance was?

A. His Royal Highness the Duke of York and Mr. Adam being present, it was mentioned and agreed to, that she should be allowed four hundred pounds a year; but it was expressly mentioned that she must pay her own debts. Upon my mentioning the difficulty of that, for she had told me she was very short of money, His Royal Highness said it was not in his power then to pay them, but that she had some furniture and valuable articles with which she could easily pay her debts.

The witness here was again ordered to withdraw.

The CHANCELLOR of the Exchequer said, he thought it necessary to remind the House of the object of the examination, which was to attach corrupt practices to the Commander in Chief. There was nothing in this mode of examination that could lead to such an imputation. However desirous therefore, to have the fullest and most satisfactory investigation, he did not think it proper to submit to that waste of time which unnecessary and irrelevant questions would occasion.

tions occasioned, and would request the Honourable Gentleman to confine himself to the question before them."

Mr. WARDLE said, he should only trouble the Committee with another question to this witness.

Witness called in.

Q. Do you recollect paying a bill due to Mr. Few, for Mrs. Clarke?

A. There was a Mr. Few who had a demand upon Mrs. Clarke, and I paid that; I do not know the amount.

Q. You paid it on her account?

A. I did.

The witness was ordered to withdraw.

On the Motion of Mr. WARDLE

DAVID PIERSON was called in, and examined by the Committee, as follows:

Mr. Wardle. Q. With whom do you live as butler?

A. The Honourable Mr. Turner.

Q. Did you live as butler in Gloucester Place when Mrs. Clarke was under the protection of the Commander in Chief?

A. Yes, I did.

Q. Do you recollect, in the summer of 1805, the Duke of York going to Weymouth, and Mrs. Clarke to Worthing?

A. Yes, I do.

Q. Do you recollect Ludowick, the servant that used to attend the Duke of York, being ordered by the Duke, on an evening about that period, to take a bank bill out, and to get it changed?

A. I do not.

Q. Do you recollect any servant being ordered by the Duke to get a bank note changed?

A. I recollect the housekeeper, Mrs. Favorey, bringing down a bill in a morning, and Ludowick going out and getting it changed, and coming back and giving it to Mrs. Favorey again, and she took it up stairs.

Q. Do

Q. Do you recollect any servant being ordered by the Duke to get a bank note changed?

A. No.

Q. Do you recollect Ludowick taking out a bank note to be changed?

A. Yes I do, on a morning.

Q. Did you hear him ordered to do so by any body?

A. The housekeeper gave him the note, and he took it out.

Q. Do you know the amount of the note?

A. No, I do not.

Q. Did you hear the housekeeper give him the order?

A. Yes, I did.

Q. Do you recollect what order she gave? in what words?

A. No, I do not in particular recollect what order she gave him; but she gave him a note, and he was to go and get it changed.

Q. Are you positive that that note was not given on the night, and the change brought back in the morning?

A. I am positive I saw it given.

Q. Was his Royal Highness the Duke of York in Mrs. Clarke's house at the time this note was delivered to Ludowick to get changed?

A. Yes, he was up stairs.

Q. At what time in the morning was this?

A. Near eight o'clock.

Q. Do you know that the Duke was up?

A. I am not certain of that.

Sir James Graham. Q. How long did you live with Mrs. Clarke in Gloucester-place?

A. About fifteen months.

Q. State whether any and what servants of the Duke of York came to Gloucester-place during that time?

A. I never saw any one but Ludowick.

Q. Can you state, as far as it came within your own knowledge, that no other servant of the Duke of York's came there?

A. I never saw any other servant of the Duke of York's come to the house, but Ludowick.

Honourable Mr. Lamb. Q. In what year, and in what month in what year, did this transaction happen?

A. About three years ago.

Q. Did you know the amount of the note?

A. I do not.

Q. Do you mean that this passed about the month of January, 1806?

A. I mean in July or August, some time then about; it was hot weather when Mrs. Clarke went to Worthing; I do not recollect exactly the time, but it was in the summer time.

Q. How long was it before Mrs. Clarke went to Worthing; was it the day before, or two days before, or three days before?

A. I do not recollect exactly; but it was a short time before she went to Worthing.

Q. Was it more than three days?

A. I cannot be exactly certain to the time.

Honourable Mr. Lyttelton. Q. Is this the only note that you ever recollect Ludwick to have changed?

A. The only note.

Honourable Mr. Lamb. Q. Did Mrs. Clarke go to Worthing the same day that the Commander in Chief went to Weymouth; did they both leave London the same day?

A. I think the next day in the morning; that his Royal Highness went away between twelve and one o'clock, and Mrs. Clarke at four or five the next morning.

Q. Was it the morning of the same day that his Royal Highness went to Weymouth, that Ludwick took the note out to be changed?

A. It was some morning a little time before.

The Witness was directed to withdraw.

The Witness came to the Court during that time.

A. I never saw any of the Ludwicks.

Q. Can you state as far as it came within your own knowledge, that no other servant of the Duke of York

I never saw any other servant of the Duke of York

came to the house, or saw any of the Ludwicks.

THIRD CHARGE

AGAINST

THE COMMANDER IN CHIEF.

The last witness having been discharged, Mr. Wardle said he should now call the attention of the Committee to the charge against His Royal Highness respecting colonel French's Levy, and, without detaining the Committee with any remarks of his own, would move that Mr. Sandon be called to the bar, as the first witness on this charge.

Captain HUXLEY SANDON was called in, and Examined by the Committee, as follows :

Mr. Wardle. Q. What interest had you in Colonel French's levy?

A. I was concerned with him in the levy.

Q. In what way and to what extent?

A. A letter of service was given to us both, Colonel French and Captain Sandon.

Q. Do you know Mrs. Clarke?

A. I do.

Q. Did you or Colonel French apply to Mrs. Clarke for her influence with the Commander in Chief, in order to your having this levy?

A. In the first instance we were informed, that it was a person who had great interest with a leading person in this kingdom: we did not know at the moment that it was Mrs. Clarke.

Q. When you discovered it was Mrs. Clarke, state your proceedings?

A. We did not discover it till we had the letter of service,

Q. What passed with the person whom you afterwards discovered to be Mrs. Clarke, before you knew her to be so?

A. We proceeded upon our service.

Here the witness was ordered to withdraw, when some conversation took place between Sir A. Pigot, the

the Chancellor of the Exchequer, and Mr. Beresford, respecting the propriety of this and such other questions.

The witness, however, was recalled, and Mr. Wardle resumed his interrogatories.

Mr. Wardle. Q. Who gave you the information that took you to Mrs. Clarke?

A. Mr. Cockayne, who was my attorney, informed me that if I had any thing particular to ask for in the War Office, or at the Commander in Chief's Office, in all probability he could recommend me to a person who could do any thing in that way for me that I chose to request.

Q. Did he recommend you to Mrs. Clarke?

A. He recommended me to her agent.

Q. Who was her agent?

A. I understood a music-master of the name of Corri.

[The Witness was directed to withdraw.]

[The Witness was again called in.]

Q. Through the means of Mr. Corri had you any interview with Mrs. Clarke?

A. I really do not know.

Q. Had you any interview with Mrs. Clarke?

A. It was a long time afterwards that I ever saw Mrs. Clarke.

Q. How long afterwards?

A. I should presume a month after the letter was granted; near upon a month; I cannot exactly say, perhaps, to a week; it might be three weeks.

Q. When you had an interview with Mrs. Clarke, can you recollect what passed between yourself and her?

A. Nothing passed between Mrs. Clarke and myself, because every thing was arranged and settled.

Q. For what purpose did you apply to Mrs. Clarke?

A. It was settled previous to that; the letter of service was granted, and I had every thing that was asked.

Q. For what did you apply to Mrs. Clarke?

A. Mrs. Clarke wished to see me.

Q. What

Q. What passed when she did see you ?

A. Very little. Colonel French asked me to go to Mrs. Clarke, who was, as we supposed, the lady, or the person, or the agent, for we did not at that time know whether it was male or female, at least I did not know : when I went to Gloucester-place, I found it to be a female.

Q. Do you know whether Colonel French had, previously to that, seen Mrs. Clarke ?

A. Most assuredly he had,

Q. Do you know when Colonel French saw Mrs. Clarke ?

A. No, I cannot pretend to say when.

Q. Do you know whether Colonel French saw Mrs. Clarke before he received his letter of service ?

A. I rather think not ; the letter of service was granted before he saw Mrs. Clarke.

Q. Then you do not know when Colonel French saw Mrs. Clarke ?

A. No, I do not, for Colonel French was going to Ireland, he was taking that part of the letter of service ; the letter of service was so extensive, it was for England, Ireland, and Scotland ; he took for Ireland and Scotland, and left me to take that for England.

Q. At this interview between yourself and Mrs. Clarke, what passed ?

A. I really cannot recollect.

Q. Do you recollect the substance of it ?

A. No, he came to introduce me, merely to say, that was Captain Sandon, and this was Mrs. Clarke.

Q. Do you recollect that the levy was spoken of that day ?

A. No ; I cannot take upon me to say that it was mentioned.

Q. Do you recollect when you or Colonel French mentioned the levy to Mrs. Clarke ?

A. Colonel French had seen her previous to my having ever seen her.

Q. Had Colonel French mentioned the levy to her, previous to your seeing her ?

A. I really cannot say that.

Q. Of

Q. Of your own knowledge, do you know that the levy had been mentioned to her?

A. I really cannot say, Colonel French had seen the person who was to get that; he never mentioned to me whether it was male or female.

Q. Who was that person?

A. I really cannot say; I never knew her till I had the pleasure of being introduced to her, and then I found it was Mrs. Clarke.

Q. When was the first time that you recollect having spoken yourself to Mrs. Clarke upon the subject of the levy?

A. I really do not recollect any thing about it; for this reason, the business was entirely settled between Mrs. Clarke and Colonel French, and I thought I had nothing at all to do to interfere in it.

Q. State the way and the terms on which the business was settled between Colonel French and Mrs. Clarke and yourself?

A. Colonel French and Mrs. Clarke made it their agreement, which I did not understand; I was not present when they spoke about it.

Q. What passed between Colonel French and yourself upon the subject?

A. Of course we wished to get the levy; the letter of service.

Q. What means did you take to get the letter of service?

A. I understood from Colonel French, that he was to give a certain sum of money for it.

Q. What passed between you and Colonel French upon that subject?

[The Witness was directed to withdraw.]

Sir ARTHUR PIGOT here rose. The Learned Member wished to know how such a question could refer to the Duke of York? Whatever negotiation might have taken place between Mrs. Clarke and Colonel French on this subject, his Royal Highness could not be implicated, unless the charge was brought home to him.

The

The ATTORNEY GENERAL said, that he was unwilling to interrupt the inquiry, but certainly his Honourable Friend had only too much reason for what he had said.

Lord FOLKSTONE could see no objection to this mode of conducting the evidence. It was necessary to find out the terms entered into between the parties, and these might be found perhaps, though indirectly, to affect the Duke of York.

The CHANCELLOR of the EXCHEQUER observed, that if the question had been What Colonel French said to the Duke of York; the answer then would have borne on the conduct of the Duke of York. It would be necessary, however, to call on Colonel French rather than have the evidence he might be able to give reported by a third person. The Honourable Gentleman to be sure had been unwilling to come forward with the enquiry without Colonel French, and the inconvenience of this proceeding was now felt.

Mr. YORKE was confident that the result of the enquiry would shew that there had been foul proceedings, though the Duke of York, he trusted, was perfectly innocent. There evidently appeared to have been a conspiracy for deceiving officers, and robbing them under the pretext of giving them a pretended influence that had no existence. Enquiry was therefore highly necessary, that due punishment might be inflicted on the guilty. He wished, therefore, the enquiry to proceed without interruption.

[The Witness was again called in, and the question was proposed.]

When I saw him, he told me as he had before, that he had settled every thing with Mrs. Clarke.

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Q

Q. Do

Q. Do you know what were the terms concluded by that settlement?

A. Yes, he informed me that he was to give her five hundred guineas.

Q. What further?

A. I understood that he gave her the five hundred guineas afterwards.

Q. Do you mean, that that was the only agreement with Mrs. Clarke, upon the subject?

A. I cannot take upon me to say what agreement he made with her, that was the only agreement that I know of.

Q. Did you yourself make any agreement with Mrs. Clarke?

A. None.

Q. You have stated, that of your own knowledge, you were not aware of any other bargain than the five hundred guineas?

A. Not till he went to Ireland; but previous to his taking leave of me, he told me that if she wanted more money, I was to give it to her.

Q. To what amount did he authorize you to go?

A. As far as five or six or seven hundred pounds more.

Q. Do you recollect any application being made to Mrs. Clarke, for any alteration in the original letter of service?

A. There were a variety of alterations in the letter of service, because the bounty of different recruits was raised; in the first instance, we had it at thirteen guineas, the bounty was raised to nineteen; we thought of course we were entitled to that nineteen guineas; we applied to Mrs. Clarke to get that enlargement, without any occasion for doing it, for of course we could not get men at thirteen guineas when the line allowed nineteen guineas.

Q. You mean, that the other recruiting parties were allowed nineteen, and that you were allowed thirteen?

A. Of course.

Q. And that you were not allowed the nineteen till after you had applied to Mrs. Clarke to use her influence to get the nineteen allowed to you?

A. All

A. All recruiting parties were precisely in the same situation; though we applied to Mrs. Clarke; it must come otherwise, or our recruiting was at an end; we could not get a man.

Q. You stated, that the other recruiting parties were allowed nineteen, but that Colonel French's levy was not then advanced?

A. It was the order from Government, that every recruiting party should receive nineteen guineas, it was found that the thirteen guineas was not sufficient, the bounty was raised; and though we had engaged to do it for thirteen we could not do it for that; and on the general bounty being raised, we applied and had ours raised too.

Q. To whom did you apply?

A. To the Commander in Chief of course.

Q. Then you did not apply, upon that occasion, to Mrs. Clarke?

A. There was no occasion for it.

Q. Do you recollect that you ever applied to Mrs. Clarke upon any other occasion relative to the levy?

A. I do not recollect that we did.

Q. As to boys?

A. That brings something to my recollection about boys, that in every hundred men we were to have ten boys, which were to be allowed the bounty of the men; but the letter of service will state it better than I can, for it is in the letter of service.

Q. Do you mean to state, that there was no alteration made or applied for with regard to boys, after the original letter of service?

A. Not after the letter of service.

Q. What alterations were made in that letter of service?

A. The ten boys to the hundred men.

Q. Was that done through the influence of Mrs. Clarke?

A. I cannot take upon me to say, for Colonel French was the person who entirely finished the business with Mrs. Clarke.

Q. Do you recollect that you ever went to the Commander in Chief, in consequence of any communication

cation or message sent to you by Mrs. Clarke, at Lyon's Inn?

A. I do not recollect it in the smallest degree.

Q. Do you recollect any gentleman bringing you a note or message to such effect?

A. I cannot take upon myself to say any thing about it; I do not remember.

Q. Do you know Mr. Dowler?

A. I once had the pleasure of seeing him at Mrs. Clarke's.

Q. Do you recollect any thing particular that passed?

A. Not a syllable whatever passed between Mr. Dowler and myself upon the subject.

Q. Do you recollect Mr. Dowler calling upon you at Lyon's Inn?

A. Mr. Dowler was never at my chambers; at least I never saw him there.

Q. Do you recollect that, in consequence of any communication with any person at any time from Mrs. Clarke, you attended on the Duke of York?

A. I once, in company with Colonel French, waited upon the Commander in Chief, to return him thanks for having given us the levy. I never saw the Commander in Chief afterwards upon that subject.

Q. State what sum or sums of money were paid to Mrs. Clarke by yourself, or with your knowledge, upon this levy business.

A. At various times, I conceive, that I paid her eight hundred pounds; it might be eight hundred and fifty pounds, but not more.

Q. Do you recollect giving a check upon Mr. Grant for two hundred pounds, in favour of Mr. Corri, on account of the levy?

A. Perfectly well; but it was not a check, it was a draft at two months; but it was not for Mrs. Clarke, it was entirely for Mr. Corri, who had acted as the agent from her to Mr. Cockayne, the attorney.

Q. Do you recollect any thing of a loan of five thousand pounds to the Commander in Chief, that it was in agitation should be advanced him by Colonel French?

A. I

A. I never understood Colonel French to have five hundred pounds in the world; therefore how he could advance five thousand, I cannot tell; for our account with our agent will shew we were very minus indeed, for we owe him three thousand eight hundred pounds upon the levy.

Q. You do not recollect any mention of such an advance upon the part of Colonel French?

A. Most assuredly not

Q. You have stated, that five hundred guineas was to be paid Mrs. Clarke at first; and then, that you have paid her from eight to nine hundred pounds since?

A. I think eight hundred and fifty pounds. I have the exact sums in my pocket book; it appears by that, that it is eight hundred and fifty pounds.

Q. Can you state, whether that eight hundred and fifty pounds arose out of any particular agreement, at so much a man raised, or in what proportion Mrs. Clarke was paid?

A. It was to be general; if our levy had succeeded, we were to have made her a present of perhaps a couple of thousand pounds: it appeared to me there was no explicit agreement that a certain sum should be given. But our levy failed, and we were very much out of pocket; she was the only gainer, I believe, upon the business.

Q. Do you recollect how you remitted her these sums you have mentioned?

A. Generally by bank notes; I generally gave them to her myself.

Q. Did you ever give her any large sum of the eight hundred and fifty pounds at once?

A. Two hundred pounds was the largest sum I ever gave her at once.

Q. Endeavour to recollect, whether Mr. Dowler did not call upon you at Lyon's Inn, and that you yourself might state that Mrs. Clarke was overpaid, and that you had no money for her at that time?

A. No.

Q. You do not recollect any thing of that circumstance?

A. No; Mr. Dowler never called upon me with that message.

Q. Colonel French never stated exactly to you the original bargain between him and Mrs. Clarke?

A. I understood the five hundred guineas in the first instance, and two hundred pounds to Mr. Corri, and it was left to my discretion to make up the two thousand pounds as the levy succeeded, or not; if we succeeded in the levy, we might have gone on to the two thousand pounds perhaps, if not, it was left entirely to my discretion.

Q. You have stated, that you never saw Mrs. Clarke till after the letter of service was granted; but in a former part of your evidence you have stated, that you had some dealings with respect to this business with one Corri, a Music Master; what passed between yourself and Mr. Corri?

A. Precisely what I have related; that he was to have two hundred pounds for the introduction, and any thing that Mrs. Clarke and Colonel French settled; he had nothing more to do with it.

Q. I understand you to have stated that to have passed previous to the granting of the letter of service?

A. The two hundred pounds was paid to him after the letter of service was granted; because, if nothing was carried, he was to receive nothing.

Q. This stipulation was made with Mr. Corri; in case he should succeed, by means of Mrs. Clarke, in procuring the letter of service?

A. He did not precisely know what it was we wanted of Mrs. Clarke; we did not tell him what we wished to speak to Mrs. Clarke upon.

Q. You mean to state, that you only applied to Mr. Corri for an introduction to Mrs. Clarke, without stating what use you meant to make of that introduction?

A. We certainly did not inform Mr. Corri, the Music Master, what we meant to do with Mrs. Clarke.

Q. You mean to state, that you only applied to Mr. Corri for an introduction to Mrs. Clarke, without stating what use you meant to make of that introduction?

A. Mr. Corri spoke to Mr. Cockayne to make him a friend; Mr. Cockayne was the person that we had to do with.

with upon the business altogether; Mr. Cow had nothing to do with it; he did not know what we were to do with Mrs. Clarke; it was merely that he could get letters or any proposition conveyed to her.

Q. What passed with Mr. Cockayne?

A. I do not know what passed between him and Mr. Cockayne.

Mr. Burgh. Q. You have mentioned, that several sums were agreed to be paid to Mrs. Clarke; state whether you know the fact of your own knowledge, or whether it is by hearsay from Colonel French?

A. The eight hundred and fifty pounds I paid myself; the five hundred guineas, I understood from Colonel French, that he had paid.

Q. How often did you see Mrs. Clarke during the negotiation respecting this levy?

A. Previous to the letter of service being granted, I never saw her.

Q. How often did you see her during the whole negotiation?

A. I dare say fifty times.

Q. Was any direct application made to the Commander in Chief, upon the subject of this levy, from Colonel French and yourself?

A. Of course a regular application was made from Colonel French and myself, to grant us this letter of service; that went through the regular office, and we received the regular answer.

Q. It was long subsequent to that, that you and Colonel French applied to other individuals upon the subject?

A. That I cannot take upon me to say, Colonel French came to town; he had been raising two levies in Ireland; he had raised them with promptness and credit to himself, and great satisfaction to the Commander in Chief; he asked me, whether I would join him in getting the levy; and I imagined that the length of my service entitled me to ask of the Commander in Chief for this levy with Colonel French.

Q. For what purpose was the sum of five hundred guineas promised by Colonel French to Mrs. Clarke?

A. When

A. When we understood that this music-master could introduce us to a person in very great power, we thought that we had better give the five hundred pounds for their assistance, whoever it was, whether male or female; and then in the regular form, we applied to the Commander in Chief.

Q. Had you not reason to believe that the application would be refused by the Commander in Chief at that time?

A. It had not been refused, we never had a refusal; we did not put it to the trial. I really cannot say whether the Commander in Chief would refuse it or not, I do not see why he should refuse it.

Q. Had you not reason to believe, that the application would be refused by the Commander in Chief at that time?

A. I had no reason to believe it would be; we had done nothing that was improper, and why should it be refused: I do not think it would have been refused*.

Q. If you did not think that the letter of service would be refused, how happened it that any application was made to any other person than the Commander in Chief, and why was a sum of money promised to obtain it?

A. It would facilitate the letter of service when we presented the letter, of course; and that was the reason why we applied to the person in power.

Q. How long was the promise of five hundred guineas, before the letter of service was granted?

A. It was a long time before we got the letter of service; it was very near upon two months, or ten weeks, before we got it, after the first proposal.

Q. What was the reason alledged by Colonel French to you, for the further advance of the seven or eight hundred pounds?

A. He gave me no particular reason; he said that I had better give her that sum; he gave me no particular reason.

* This mode of answering offended several Members of the Committee, and they called out "Answer the Question."

Q. Have

Q. Have you any, and what reason to believe, that the letter of service was expedited by the money given to Mrs. Clarke?

A. My own private opinion was, that it was not; for, I think, she had very little influence with the Commander in Chief.

Q. Have you any reason to believe, that the Commander in Chief was privy to the money given to Mrs. Clarke?

A. None in the world; I never could have the idea.

Q. Having stated, that you considered the influence of Mrs. Clarke to be very small, upon what grounds do you found that opinion?

A. The length of time we had in obtaining the letter of service.

Q. Had you any conversation yourself with Mr. Cockayne, respecting this transaction?

A. No, it was merely we were to be introduced to this person who had great power, and there to state what we wanted to them.

Q. You have continually said, you were informed that a person had an influence with a great personage; by whom were you so informed?

A. Mr. Corri, the music-master.

Q. What communication had you with Mr. Corri, the music-master, with reference to this transaction?

A. He was a client of Mr. Cockayne, and he proposed or mentioned something of this nature to Mr. Cockayne, saying, that if any of his friends were military, and wished any assistance in the War-office, or the office of the Commander in Chief, he could assist them, through his introduction.

Q. What did Mr. Corri mention to you; what personal communication was there between you and Mr. Corri?

A. Nothing more than I say; I saw Mr. Corri once or twice, and he would not tell me the name of the person; but he still persisted, in repeating what I have mentioned, that he had interest with this person.

Q. Did the proposal come from you to Mr. Corri, or from Mr. Corri to you, and in what terms, and what manner?

A. Mr.

A. Mr. Corri proposed it to Mr. Cockayne, Mr. Cockayne mentioned it to me, and then an interview took place between Mr. Corri and me.

Q. Then I now understand, you had a personal communication with Mr. Cockayne yourself?

A. Mr. Cockayne was the person who introduced Mr. Corri to me.

Q. How did he introduce him, and open the subject?

A. Exactly as I have mentioned. This man was a client of Mr. Cockayne; he informed Mr. Cockayne, that if any of his friends were military, and wished for assistance in the War-office, or the Commander in Chief's office, he had a person of his acquaintance that could be of very great use to them.

Q. You are now only stating the conversation between Mr. Cockayne and Mr. Corri; did Mr. Cockayne relate to you, that he had had such a conversation with Mr. Corri, and what he would propose to you in consequence of that conversation?

A. He did relate it to me, and I begged to be introduced, or to have an interview with Mr. Corri.

Q. Did Mr. Cockayne come to search out you, or did you go to search out Mr. Cockayne?

A. I really cannot say, he was a client of Mr. Cockayne; Mr. Cockayne is an attorney.

Q. Mr. Corri was a client of Mr. Cockayne?

A. Yes.

Q. You have been relating a conversation between yourself and Mr. Cockayne; did Mr. Cockayne come to you to inform you of this channel, or did you go to search for Mr. Cockayne?

A. Mr. Cockayne was my attorney; and going there, upon other business, he then related this to me.

Q. Did that interview with Mr. Corri, in which two hundred pounds were offered to Mr. Corri for his good services, take place previous to the regular application to the Commander in Chief?

A. No, I believe it was not; we did not mention to him about the two hundred pounds then.

Lord Follstone. Q. When was any thing mentioned about the two hundred pounds to Mr. Corri?

A. After,

A. After the letter of service was granted.

Q. For what purpose was the two hundred pounds offered to him?

A. He had previously mentioned, that he expected something for his trouble, in the event of the letter of service being obtained, but no sum was named.

Q. Was the application to Mr. Corri previous to the application to the Commander in Chief?

A. No, certainly not.

Q. Was your first interview with Mr. Corri previous to your regular application to the Commander in Chief?

A. Assuredly.

Q. And, in that interview, it was understood that Mr. Corri would give you his good offices?

A. With his friend, which was Mrs. Clarke.

Q. Was the offer of five hundred guineas to Mrs. Clarke made with your privity?

A. Certainly it was; I empowered Colonel French to write thus much to the person who we understood was to be our friend in the business.

Q. Was that previous to the regular application?

A. Certainly.

Q. Did you ever mention to Colonel French your idea, that Mrs. Clarke had not much interest with the Commander in Chief?

A. Repeatedly.

Q. What was Colonel French's observation?

A. "We had better see what she can do."

Q. Did Colonel French mention to you the necessity for keeping this transaction secret?

A. Most assuredly he did; certainly.

Q. From whom did you suppose it was to be kept secret?

A. It was required, from the person who was unknown to us, that it should be kept secret.

Q. Do you mean the person who was then unknown to you, as being Mrs. Clarke?

A. As it proved afterwards.

Mr. Mark Wood. Q. Do you mean to say, that Mrs. Clarke required that this transaction should be kept secret?

A. Not

A. Not a doubt about it; that she requested it upon all occasions; and when I have seen Mrs. Clarke, she requested I would not mention her name, or the Commander in Chief's name.

Q. From whom did Mrs. Clarke wish it to be kept secret?

A. From all the world, from every body.

Q. Did Mrs. Clarke ever mention a wish that it should be kept secret from the Duke of York, her having received any money?

A. Most assuredly, she begged that it might never escape my lips to any body.

Q. Then from conversation you have had with Mrs. Clarke from time to time, had you reason to suppose that she kept it secret from the Duke of York?

A. I cannot pretend to say that; I know nothing about what she did with the Duke of York.

Q. Do you mean in the last answer but one, that she wished you should keep it secret from the Duke of York?

A. And every body else as well.

Q. I ask particularly as to the Duke of York?

A. Yes, certainly she did.

Q. Was any money paid to Mrs. Clarke before the letter of service was obtained?

A. No, nothing.

Sir Thomas Turton. **Q.** I understand you to have stated, that you have seen Mrs. Clarke to the number of fifty times; in any of those times did she ever inform you that the Duke of York was privy to the transaction of her taking any money?

A. Never.

Q. Did she ever at any of those times inform you that the Duke of York knew of the application to her?

A. No, she did not.

Q. Was the money which was paid to Mrs. Clarke, paid solely on account of Colonel French, or were you interested in that money yourself?

A. I had part of the levy, and the money that was paid by us was from the joint stock.

Q. When you had conceived, from the delay of the letter

letter of service, that Mrs. Clarke had very little interest with the Duke of York, with what motive did you consent that your money should be thrown away afterwards to the amount of eight hundred and fifty pounds, to a person who had in your opinion no interest?

A. I have only to say, that she persuaded us to the contrary, and said that she had a great deal of influence over the Commander in Chief.

Mr. Barham. *Q.* I understood you to say, that you had concluded, from the delay of the letter of service, she had very little interest with the Duke of York?

A. That was my opinion.

Q. And I understood you to say, that, subsequent to the letter, you had paid her eight hundred and fifty pounds, consequently your payment of eight hundred and fifty pounds, was subsequent to your conviction that she had little interest with the Duke of York; state therefore why, having that conviction at that time, as you have stated, you consented that your money, to the amount of eight hundred and fifty pounds should be thrown away?

A. It was my opinion, but it was not Colonel French's.

Q. Do you recollect the date of your application for the letter of service?

A. No, I do not.

Q. State by what sums the eight hundred and fifty pounds which you paid to Mrs. Clarke, was made up?

A. 100*l.* 100*l.* 200*l.* 100*l.* 15*sh.* 100*l.* and 100*l.*

Q. Will you state the dates?—*A.* I have no dates.

[The Witness was ordered to withdraw.]

Mr. DOMINICO CORRI was called in, and
Examined by the Committee, as follows:

Mr. Wardle. *Q.* Do you know Colonel French and Captain Huxley Sandon?

A. Only Captain Sandon; I never saw Colonel French.

Q. Do you recollect introducing Captain Sandon to Mrs. Clarke?

A. I never introduced him; he introduced himself.

No. V.

P

Q. Did

Q. Did you give him the direction that enabled him to introduce himself ?

A. Quite the contrary ; he asked me very often, but I never would tell him ; he asked me several times, and I always told him I could not say who the lady was ; but he found it out himself, and told me he knew the name of the person, and that Colonel French had gone to her.

Q. Do you of your own knowledge know what the consequence of their going to her was ?

A. Yes.

Q. Say what it was ?

A. Captain Sandon was introduced to me by Mr. Cockayne ; and he told me that he knew that I was acquainted with the lady who had great influence in the War-office ; and he told me that if I would speak to this lady, she would have two thousand pounds, from what I recollect, for the levy of the troops. I told him I would speak to Mrs. Clarke, and so I did ; and gave him the answer, that she would try what she could ; but she said at the same time, it was a very difficult matter, that she was obliged to break through it gradually, and could recommend nobody but people of character, and qualified for the place, and to go through the War-office, as every body else was ; and this I told Captain Sandon.

Q. Do you of your own knowledge know any thing more of the bargain between Mrs. Clarke and Colonel French and Captain Huxley Sandon.

A. Yes ; Captain Sandon came to me and said that the Duke had screwed them down very hard, and that he could only give seven hundred pounds, " Well," I said, " it is all the same to me what you will give, and I will tell her what you say ;" and I told Mrs. Clarke of this new proposal. In this intermedium Captain Sandon introduced himself, as I said before. Mrs. Clarke and I never heard any more of the business, they settled it by themselves ; except in the month of June, 1804, Mr. Cockayne sent to me at the coffee-house, the Canon coffee-house, and he brought a bill, I believe, which I never looked at, for two hundred pounds payable to my order, he said, upon Mr. Grant. I did not look at the bill ; I put my name, and gave it to Mr. Cockayne, and

and said, you had better keep it yourself, I am under an obligation to you, you had better keep it. And that was the end of my business.

Q. Do you of your own knowledge know nothing further of the bargain that was made ?

A. Nothing more ; several people came to me applying to me for places, and I told Mrs. Clarke ; but I never heard any more. She was very anxious to get the Gazette every night expecting places ; but I know nothing more of the parties, for I introduced them to her, and I had nothing more to do with it, and no more business of any sort passed between Mrs. Clarke and me, except the music.

Q. Have you, since this business came before the house, destroyed any papers ?

A. I destroyed a paper in the month of July, the same year, soon after Captain Sandon's business. One day I went to Mrs. Clarke's house, and she told me she was coming to me ; that there was a terrible noise ; that the Duke was very angry, and desired I would burn all papers and letters that I had ; consequently I burned all the letters at that time.

Q. Have you burned any papers since this business came before the house ?

A. I had none ; I have four letters in my pocket now, which I received from Mrs. Clarke since the 1st January ; but I was terrified at that time, and did not like the business, and I destroyed the papers which I had at the time of this transaction immediately after it had taken place.

Q. Are the four letters, which you have now in your pocket, to the same purport with the papers you burned before ?

A. No, invitations to go and see her, to go and spend the sixth day of the year with her ; the first was an invitation to see her. The first day I went there was the sixth, and she desired me to dine and sup and to remain the whole evening, which I did ; and on the 15th I went and supped there again.

Q. Has Mrs. Clarke ever stated to you any thing concerning the Duke of York's opinion respecting these transactions ?

A. She never talked any thing to me ; she always told

me the same thing she had before, that it was always a very delicate thing to open such matters to the Duke.

Q. When Mrs. Clarke stated to you that the Duke was very angry at what had passed, upon which statement you burned the papers ; did she explain herself any thing further, and state at what the Duke was angry ?

A. Yes ; she told me at that time that the Duke was watched very close by Colonel Gordon, and that Mr. Greenwood also watched her motions ; therefore she was so situated, she could get nothing almost.

Q. What was the paper which you destroyed ?

A. O, just common things ; I could not remember five years ago ; a desire to Captain Sandon to go such a day to the War-office, or something of that kind. I was there every day of the year, consequently we had plenty of time for conversation, and she need not send letters to me.

Q. What do you mean by saying you destroyed papers ?

A. I mean that Mrs. Clarke said to me, that I should destroy every paper, (because the Duke had heard of something of the kind, and he was very angry indeed) " for God's sake ;" and my wife was present at this conversation, and she went home and burned the letters ; further, she told me that perhaps we should be called where I have the honour to be now.

Q. Did Mrs. Clarke mean to state, that the Duke of York suspected that there had been some correspondence between her and Captain Huxley Sandon, and that the fear of the Duke's discovering that induced her to desire you to destroy all letters that had passed upon that subject ?

A. She was just going to Kensington Gardens at the time, the carriage was at the door, and she said in a great hurry, " For God's sake go home and burn the letters ;" and there was very little more passed in the hurry.

Q. You have stated, that you put your name upon a bill for two hundred pounds, and returned it to Mr. Cockayne, saying that you had obligations to him ; do you mean to say that you got no remuneration or reward for your services in the transaction between Mr. Huxley Sandon and Mrs. Clarke ?

A. None whatever, not one shilling.

Q. What

Q. What induced you to put your name on that bill?

A. Because Mr. Cockayne told me it was payable to my order; I did not read the bill.

Q. Did you owe Mr. Cockayne any money?

A. Yes; I have Mr. Cockayne's account here from the year 1802 to 1806, debtor and creditor, and not one penny creditor but the two hundred pound, which took place in the year 1804.

Q. What obligations did you mean in consideration of which you gave Mr. Cockayne this bill of two hundred pound?

A. I thought, in the first place, that he was entitled to the half, if it had been for us, for I never asked any thing; and I thought he should have the half; and at the time I said, "You may as well keep the whole, you are very welcome;" and he said, it is a very good act of generosity, Mr. Curri.

Q. Do you know whether Mr. Cockayne got the money for that bill?

A. I know nothing about it, he wrote me a letter, thanking me for this act of generosity.

Mr. Sheridan. **Q.** In this letter of Mrs. Clarke's, which you state yourself to have destroyed, did she express any apprehensions of the Duke of York's knowing any thing about the transactions in which yourself and she were concerned?

A. Yes, it was in consequence of that that the Duke had heard something which had transpired, and that he was very angry, and that we should be called to this House.

Q. You have stated, that you have seen Mrs. Clarke twice since the first of January, on the 6th and the 15th; was there any conversation at either of those meetings, when you supped each time, respecting the transaction to which this related?

A. Yes, I was a little surprised, because soon after dinner she sent for the twelfth cake, and they sent, for a compliment, to some gentlemen, and two gentlemen came in the evening; and as soon as they came, the conversation of this affair of Mr. Sandon was introduced, and I repeated every word there just as I have here, that Captain Sandon

told me she had received the five hundred pounds, and Mr. Cockayne had received the two hundred pounds; and they were laughing at me, saying what a fool I had been; and this was the topic of the conversation of the whole night almost.

Q. You have stated, that you were surprised at that conversation having been introduced by Mrs. Clarke that evening; did Mrs. Clarke assign any reason for introducing that conversation on the arrival of the two gentlemen you have mentioned?

A. No.

Q. Did Mrs. Clarke allude to any other transaction of a similar nature, before these gentlemen?

A. No, the rest was spent in convivial conversation and merriment, and I left the gentlemen there at twelve o'clock, or a little after twelve, drinking there.

Q. Do you know who the gentlemen were?

A. I could describe the person; one I know, and knew the second time; she did not tell me the first time, but the second time she did, and introduced me to him; she asked me the first time, whether I could tell who he was, I told her he appeared to me to be a lawyer; he laughed very much, this gentlemen did, and I knew no more the first time; the second time I could tell you who he was, if you please.

Q. Were the same gentlemen present both upon the 6th and upon the 15th?

A. The 15th, I am not altogether certain as to the little one; the long nosed one, the friend of Mrs. Clarke, he was there, and she introduced me to him; but I believe the other one was there too, from my recollection.

Q. Who was the gentlemen whom you do know?

A. Must I tell, for she told me in secret?

[The witness was directed to answer the question.]

A. She told me it was Mr. Mellish, the Member, who I suppose is in the House.

Q. Do you know who the other gentleman was?

A. I could describe the figure, if I could see him; my sight is not very plain; but I should not be surprised if he was here.

Q. Was

Q. Was there any other person present besides those two gentlemen?

A. The first time there was a young lady, besides Mrs. Clarke?

Q. Was there no other gentleman present besides those two you have referred to?

A. No; only Mrs. Clarke, a young lady, and two gentlemen, and myself, the first time.

Q. The second time?

A. The second time there was another new gentleman.

Q. Did Mrs. Clarke inform you who that third gentleman was?

A. Yes, she told me he was a writer of some Paper; she told me the name, but I do not remember his name at all; some writer of some Paper; and she mentioned some Paper, but I forget what Paper it was; I took no notice of these things; she said that this man was to take care of her; she was obliged to have him with her to take care of her.

Q. Did that person seem acquainted with the other gentlemen, or either of them?

A. Yes; when he came, he shook hands with Mr. Mellish.

Q. You have stated, that in the letter which you destroyed by Mrs. Clarke's desire, she expressed great apprehensions of the Duke's knowing she was concerned in any such transactions; state, upon your recollection, whether or not Mrs. Clarke did not more than once in this letter express her apprehensions of the Duke of York's knowing that she had received money in the way in which it was stated that she had?

A. I could not remember the contents of the letter; but this conversation was repeatedly with me, to take care that the Duke should know nothing of the kind; this was done every day; and that she was obliged to have great caution, to break the matter cautiously to him.

Witness was then ordered to withdraw, and almost immediately after Mr. Mellish entered the House, and upon

upon learning of course what had been said by the witness respecting him.

Mr. MELLISH rose, and addressing the Chairman, observed—"Sir, as I understand that my name has been mentioned by the last witness in a way that requires to be cleared up, I hope that, if it is at all in order, any Hon. Member will ask me a few questions on the subject, or at least that I may be permitted to put a question to the last witness."

WILLIAM MELLISH, Esq. a Member of the House, attending in his place, was, at his own request, examined, as follows:

Mr. Wardle. Q. Did you meet Mr. Corri at Mrs. Clarke's, on the 6th or the 15th of January last?

A. I neyer was at Mrs. Clarke's in my life, nor did I ever see her, to the best of my knowledge, before I saw her here. Will the house have the goodness to permit the last witness again to be called in? I understand that he is short-sighted, I will therefore go near him, and he will ascertain his mistake.*

MR. DOMINICO CORRI was called in again, and Examined, as follows:

Q. Did you ever see me [Mr. Mellish, the Member for the county of Middlesex] at Mrs. Clarke's?

A. No, it is not you; but I only say what she said to me; the person I saw was a gentleman of a darker complexion than you; if she tell me a lie, I cannot help it.

Mr. Beresford. Q. Can you describe the third person you saw at Mrs. Clarke's; the newspaper man?

A. Yes, he is a very awkward figure, sallow complexion; I would call him rather an ugly man; very badly dressed; dark hair, and rough in his manner of speaking; he appeared to me not to be an Englishman, he had such a broken accent; he was not elegant in his speaking.

* Here there was a cry that it was not necessary; however the witness was again called in, and Mr. Mellish went to the Bar.

Q. Did

Q. Did the man squint?

A. I think a little, I am not positively sure; if he squinted, it must be on the left side; I sat on his right side.

Q. Was not his name Finnerty?

A. No; I do not remember the name at all, I have a very bad memory for names. She told me the name and the Paper. He told me that he had travelled a great deal, and that he had been in Africa; and he said that he did not like music but Scotch music, and he made me play a tune fifty times over, the same tune over again.

Q. Did the person wear his arm in a sling?

A. No: he wore them very careless in that way [*describing it.*]

Mr. Sheridan. **Q.** You have mentioned, that Mrs. Clarke told you the name of the paper to which he was writer; was he not a writer for the Morning Chronicle?

A. It must be either the Morning Chronicle, The Times, or the Post, one of the three.

Q. Did you hear any person call him by the name of Finnerty?

A. No.

Q. Have you any reason to think that that is his name, from what you have heard?

A. Nobody told me his name; but we went into the back-room, me and Mrs. Clarke, and left all the gentlemen in the other room, and there she told me about Mr. Mellish and this other person.

Q. You did not hear the name of this other person mentioned at all?

A. No.

Q. Do you know the person of Mr. Finnerty?

A. No; I could not recollect him at all; but I thought the name to be something like a foreign name; if I could see him I could tell.

[The Witness was directed to withdraw.]

WILLIAM

WILLIAM DOWLER, Esq. was called in, and
Examined by the Committee, as follows :

Mr. Wurdle. Q. Are you not just returned from the
Continent with dispatches ?

A. On Thursday last I arrived from Lisbon with dis-
patches.

Q. Have you known Mrs. Clarke long ?

A. Several years.

Q. How many years have you known her ?

A. I believe eight or nine at least ; I am not confident.

Q. Do you recollect ever seeing Colonel French and Cap-
tain Huxley Sandon in Gloucester-place, while Mrs. Clarke
was under the protection of the Duke of York ?

A. I have.

Q. Did you ever hear either of them speak to Mrs.
Clarke on the subject of the levy ?

A. I have.

Q. Did you ever speak to Colonel French or Captain
Sandon yourself, by desire of Mrs. Clarke, on the subject
of the levy ?

A. I did.

Q. Do you recollect any conversation that you had with
Colonel French on that subject ?

A. I do.

Q. State as nearly as you can, what you recollect to have
passed at that time.

A. I saw Colonel French several times.

Q. Relate, as nearly as you can, what passed between Co-
lonel French and yourself upon that subject.

A. I saw Colonel French at Mrs. Clarke's house, and
was informed that he was there on the subject of the letter
of service. I asked Mrs. Clarke, from curiosity, the nature
of it ; she told me ; and I recollect perfectly, that I took
the liberty of saying that I disapproved, or thought it was
exceedingly wrong, such a business, and endeavoured to
dissuade Mrs. Clarke from it. That was one of the con-
versations I recollect to have had with Mrs. Clarke upon
the subject ; it was after Colonel French left the house that
morning.

Q. Do

Engraved by H. Wood from a sketch by R. B. Anderson.

William L. Carter, Esq.

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Q. Do you recollect when you next saw Colonel French and had any conversation with him respecting the levy?

A. I cannot recollect when I saw Colonel French; it is a long time back; but that I did see him several times after that, I perfectly recollect.

Q. State the substance of the conversations, as nearly as you can, that passed between you and Colonel French on the subject of the levy.

A. Mrs. Clarke told me she was to have one thousand pounds, and a guinea a man, as far as my recollection serves me, to be paid on the completion of five hundred men, when they were passed. I was likewise present when Colonel French or Captain Sandon, I am not positive which, paid Mrs. Clarke five hundred guineas of the thousand that was first of all promised. Afterwards, I recollect seeing Colonel French there, and he stated, that there could not possibly be any but the usual bounty given, and that he came, (Mrs. Clarke was not visible at the moment he came) to request that an increased number of boys should be included in the number of the levy, which he should be able to procure at a less sum than the bounty given for men; and that then he should be able to go on with the service, otherwise, he said, that he should be obliged to abandon it. I do not recollect any thing particular that occurred after that time; but I understand that obstacle was removed with respect to the boys, that Colonel French's wish was obtained. I cannot speak to that beyond my recollection at this distant time.

Q. Do you recollect any other application of Colonel French's, to have an obstacle of any other description removed?

A. I do not.

Q. Do you recollect that he requested at any time, that the recruits might be passed nearer the place where they were recruited than where the rendezvous at that time was?

A. I recollect that Colonel French stated, that as he expected to get the greater part of his recruits in Ireland, it would be very difficult and expensive to pass them in the Isle of Wight; but I cannot recollect the particulars of what passed at that time.

Q. You have stated, that you remonstrated with Mrs. Clarke on this transaction; what answer did she make to you when you so remonstrated; what excuse did she offer?

A. This

A. This and other proceedings, I frequently mentioned, and endeavoured to dissuade Mrs. Clarke from having any thing to do with them; she stated, that the Duke of York was so distressed for money that she could not bear to ask him, and that it was the only way in which her establishment could be supported. I beg leave to state, that in consequence of this, Mrs. Clarke was offended with my freedom, and I ceased to see or hear from her, for I cannot tell how long, till I think nearly my departure for South America in 1806.

Q. What was the nature of the remonstrance you made with Mrs. Clarke?

A. I felt that it might implicate her character or the Duke of York's at a future time, that was what I told her; that there was a great risk attending it, and I thought it was very dangerous to her reputation and to his.

Lord Falkstone. Q. In what situation are you?

A. I have lately been in charge of the Account Department of the Commissariat at Lisbon.

Q. How long have you been in the Commissariat?

A. Since 1805.

Q. How did you obtain your situation in that department?

A. I purchased it of Mrs. Clarke.

Q. Did you apply directly to Mrs. Clarke for the appointment.

A. Certainly not: she suggested it to me.

Q. Did you pay any money to Mrs. Clarke for the benefit you received from it?

A. I first of all gave her a thousand pounds, and at other times other sums to a very considerable amount.

Q. Did you ever make any other direct and regular application to obtain that situation?

A. To no one.

Q. You are positive as to that fact?—*A.* Positive.

Q. Never to any one but to Mrs. Clarke?

A. To no individual whatever.

Q. In what department lies the presentation to such appointment as that which you hold?

A. In the Treasury.

Hon. Mr.

Q. In what situation of life had you been before you were appointed to the Commissariat; had you ever been in any Public Office?

A. I had never been in any Public Office. When my Father retired from business, which was within the knowledge of Gentlemen who are members of this House, I retired into the country with him; he was a wine-merchant and a merchant in general.

Q. How did you become acquainted with Mrs. Clarke?

A. Through a gentleman that is deceased, Captain Sutton, whom I had known for some years previous to my knowledge of Mrs. Clarke.

Q. When did Captain Sutton introduce you to Mrs. Clarke, and in what manner and with what view did he so introduce you?

A. He took me to dine at her house; the view was because there were a few musical persons to be there, a musical party; Captain Sutton asked me whether I would go out to dinner with him; and that was the cause of my being introduced to Mrs. Clarke.

Q. When was this?

A. I have said as nearly as possible about eight or nine years perhaps ago, but I am not confident as to the length of time.

Q. In what manner and at what time did you make the proposition to Mrs. Clarke, through her influence to procure the office which you now hold?

A. She made the proposition to me.

Q. In what manner did she make you the offer; and what passed between you upon that occasion, and when was it?

A. She stated that she was extremely pressed for money, and requested that I would assist her, as the Duke of York had not been punctual in his payments, and I applied to my father in consequence; he hesitated, and I told her I could not furnish her with more money than I had then given her; she then promised, not the situation I now hold, but another; I applied to my father, and he did not seem at the moment to give his consent to it. It was afterwards,

a considerable time afterwards, for many months elapsed after the first suggestion was made by Mrs. Clarke to me, he at last consented to it, if I could be confident it would be a matter that would not become public, if I felt myself secure in it. In consequence of that I was named to the appointment I now hold.

Q. Did you never make any application for the office to any other person; and in what manner was your appointment to the office communicated to you?

A. I never applied to any other person; Mrs. Clarke told me that I should be appointed sooner by much than I was, and at last stated as the reason why it was put off, because a Mr. Manby, who had been in the tenth regiment of dragoons, was to be first gazetted; my appointment was delayed in consequence of that; I believe it was about two or three months at the utmost before I was gazetted, after Mr. Manby.

Q. In what year was that?—*A.* 1805.

Q. Was your father apprized of the object you had in view?

A. Certainly.

Q. Might not your father have made application through other friends, for this situation for you?

A. I am certain not.

Mr. Huskisson. *Q.* Do you recollect the date of this communication with Mrs. Clarke respecting this appointment?

A. I do not.

Q. State it as nearly as you can.

A. I really cannot state it at all correctly, because it was the subject of conversation; it was first of all pointed out to me, the situation of a Commissioner of the Lottery, which caused the delay. I understood my appointment was on the point of taking place, but it was set aside because the vacancy that happened was given to Mr. Adams, the secretary to Mr. Pitt; and then it was suggested to me, that the Commissariat was an eligible and gentlemanly employment, and not an inactive one, as I believe the circumstances of my service will sufficiently shew.

Q. Am

Q. Am I to understand from you, that this arrangement, about getting you the situation in the Commissariat, arose about the time that Mr. Adams, the Secretary to Mr. Pitt, was appointed a Commissioner of the Lottery?

A. I believe it was afterwards; but they were both the subjects of conversation previous to that.

Q. Was it soon afterwards?

A. I am sorry I cannot state that correctly.

Q. Will you state the year?

A. I do not know the dates, because they were both the subject of conversation before they took place.

Q. Can you state the date of your commission appointing you in the commissariat?

A. I was first in the Store Department of the commissariat, previous to my going, and after I went to South America; and I was transferred to the Account Department on my going out with Sir Arthur Wellesley.

Q. Do you know the precise date of your first commission from the Treasury appointing you an Assistant Commissary of Stores and Provisions?

A. I think it was in June or July, 1805.

Q. Do you know the names of the Lords of the Treasury by whom that commission was signed?

A. My commission is at Lisbon with my luggage; I cannot answer that; as I came with dispatches, it was necessary I should not encumber myself with luggage, and it is there.

Q. Cannot you state upon your own recollection, the name of any one of the Lords of the Treasury who signed that commission?

A. I cannot.

Q. You also held a commission from the Secretary at War?

A. I believe that commission was made out after my departure, and that it has never been in my possession; but I have no power to help my recollection.

Q. After your departure for what place?

A. South America.

Q. 2.

Q. You

Q. You have stated, that you received your first commission in June or July 1805?

A. I believe so.

Q. Where were you employed after that time?

A. In the Eastern District, Colchester, and Sudbury, in Suffolk.

Q. You have stated, that Mr. Manby's commission took place before yours?

A. It did.

Q. And that Mr. Manby's having the precedence over yours, was the cause of the delay in your appointment?

A. Yes.

Q. Do you know the date of Mr. Manby's?

A. I do not; I believe it was the commencement of the year 1805, but I cannot be positive to the commission of Mr. Manby, as I never saw it.

Q. You stated, that you were appointed, in June or July 1805, Assistant Commissary of Stores and Provisions; by whom was the notification of that appointment communicated to you?

A. I was apprized of it a few days before it took place, by Mrs. Clarke; in consequence of which, I recollect paying her the remainder of the thousand pound.

Mr. Whitbread. **Q.** In consequence of this notification being received from Mrs. Clarke, what steps did you take in order to procure the instrument which put you into possession of your appointment?

A. I was apprized that it was at the usual office in the Treasury, and Mr. Vernon was the gentleman, I believe, that signified it to me; I was in expectation of it every Gazette.

Q. Do you know who Mr. Vernon is?

A. I believe Mr. Vernon's is the office in the Treasury where commissions are left.

Q. Did you understand from Mrs. Clarke, that she made her application direct to any person in the Treasury; or through what channel did you understand from her that that application was made?

A. To the Duke of York.

Q. Is

Q. Is the Committee to understand, that you gave your money to Mrs. Clarke under the belief that you had been recommended to the Treasury for this situation by his Royal Highness the Duke of York, through the influence of Mrs. Clarke?

A. Certainly.

Q. From the time that you first understood that this application had been made to the Treasury, up to the time that you received this commission, did you take any steps to hasten or to expedite the object of your appointments with Mrs. Clarke, through any other channel whatever?

A. I did not.

Q. Had you had communication with any person connected with the First Lord of the Treasury, or any other gentleman then in the Treasury, on the subject of your expectations of your commission, up to the time that you came to Mr. Vernon's to take out that commission?

A. Never; but mentioning to Mr. Vernon my expectations.

Q. Then you saw Mr. Vernon before you were appointed?

A. Certainly; I know Mr. Vernon.

Q. You saw no other person at the Treasury?

A. None.

Q. Between the time in which you state you paid the premium for obtaining this commission, and the time that you actually received it, did you receive any intimation from any person connected with the Treasury, that your expectations were favourably entertained?

A. Mr. Vernon mentioned to me one morning when I called there, a gentleman was speaking to him; I was desired to call in five minutes; he said, "I believe you are going to be appointed an Assistant Commissary;" I do not know the exact term, there was a paper going up, and he said, "I have no doubt the appointment will take place, it has been signified from the Board," or some such expression.

Q. Did you receive from Mrs. Clarke, the person whose recommendation you think procured you this situation,

Q. 3.

any

any information respecting the progress making towards the completion of the appointment?

A. I have stated what passed between Mrs. Clarke and myself respecting Mr. Manby's appointment, it was the subject of conversation afterwards; but it was not of that consequence to me as to make it the subject of particular inquiry.

Q. What, in point of fact, was the distance of time between the money being paid by you and the appointment to the Commissariat?

A. I cannot at all tell that.

Q. Not whether it was in the same year?

A. Certainly in the same year.

Q. Within six months?

A. Certainly.

Q. I think you stated, that you had paid some sums of money to Mrs. Clarke, in expectation of getting some appointment, before you paid to her the specific sum that was to lead to this appointment? -

A. Not in expectation of getting any appointment.

Q. For what other reason?

A. It was considered merely as a temporary relief to her; she was always stating, "the Duke will have more money shortly, and I will pay you; and it was obtained from my father at my request, but with no view of any appointment.

Q. Then is the committee to understand that the sums of money which you paid to Mrs. Clarke, before you paid this sum for this appointment, were loans made to her without any expectation of any public employment being conferred upon you?

A. Certainly.

Q. When Mr. Vernon, from whom you received the notification of your appointment, made that notification, in what terms was it made; was it verbally or in writing?

A. Verbally.

Q. What were the terms of it?

A. I believe Mr. Dowler, you are going to be appointed an Assistant Commissary, as far as I can recollect the expression.

Q. In

Q. In what terms did Mr. Vernon intimate to you, that you were actually appointed?

A. The intimation was, that the appointment was in a train, not that I was actually appointed.

Q. From whose hands, or from whom did you actually receive the warrant of your appointment?

A. I believe from Mr. Vernon; there are fees paid upon them, and I am not certain whether myself or a friend received the commission, and paid the fees or not.

Q. You do not recollect whether you received it from Mr. Vernon's hand or not?

A. I do not.

Q. Do you recollect whether you received it in any letter from Mr. Vernon?

A. I believe not, I am not confident, I cannot charge my memory with a circumstance which I did not consider of any consequence, at the distance of from 1805 to the present time; I am here very reluctantly; I am just arrived in England, and had but yesterday a summons to attend this house, very unexpectedly.

Mr. Alderman Combe. **Q.** From the time you have received the appointment in the Commissariat, to the present time, have you never ascribed your appointment to any other interest but that of Mrs. Clarke?

A. I stated, that Mrs. Clarke did not give me the appointment I hold, and that was the only answer I ever gave; I bought it.

Q. Was not your Father a Common-councilman of the City of London?

A. He was, for many years.

Q. Did he not represent the same Ward of the City of London of which Sir Brook Watson was the Alderman?

A. He did.

Q. Do you recollect a conversation that passed between yourself and me at the top of the Haymarket, after you had received the appointment?

A. I recollect seeing Mr. Combe, but what occurred I cannot possibly tell.

Q. Do you recollect this having passed, that I congratulated

told you upon what I had heard, as to your having received an appointment in the Commissariat, and that I put the question, whether you had received it from the favour of Mrs. Clarke, or the patronage and favour of Sir Brook Watson?

A. I have no recollection of the conversation that passed from Mr. Combe, but his congratulation to me; He was on horseback; I think the horse did not stand very still; and I ran into the middle of the street to ask Sir Combe how he did.

Q. Are you quite certain, that to that question you did not answer, that it was entirely by the favour of Sir Brook Watson?

A. Upon my honour I cannot recollect what passed, as I have before stated.

Q. Will you undertake to say positively, that you did not at that time say it was by the favour of Sir Brook Watson?

A. I cannot say positively, but I state what I stated before, that Mrs. Clarke did not give me the appointment; and many mistakes have occurred upon that, by persons supposing that I received it without having purchased it, which is the fact.

Mr. Sheridan. Q. When you made the remonstrance you have stated, to Mrs. Clarke, did she endeavour to allay your apprehensions with respect to herself, by any suggestion that the Duke of York was privy to her taking money on such an occasion?

A. I cannot say what conversation arose, except that she was offended with my freedom.

Q. Did you not consider Mrs. Clarke as placing a very particular confidence in you, for a long course of years?

A. On these occasions I thought so; but as my opinion did not accord with hers, communication very soon ceased on such subjects.

Q. Is the committee to understand, that Mrs. Clarke did not give you any reason to think that the Duke of York knew of her taking that money?

A. She

A. She gave me reason always to think that the Duke of York was perfectly acquainted with it.

Q. Do you recollect that the transaction respecting Colonel French and Major Sandon was in the year 1804?

A. I do not recollect the time of the transaction.

Q. Do you not recollect whether it was before or after your giving Mrs. Clarke the thousand pound for the purchase, as you term it, of the place for you in the Commissariat?

A. My expostulation with Mrs. Clarke on the subject of Colonel French, was previous to my appointment in the Commissariat, I believe so, as far as my recollection goes; but I trust at this distance of time I shall be excused, if I am imperfect as to the dates.

Q. The transaction with Colonel French was in the year 1804?

A. I have a belief that it was so; but, not being positive, I would not venture to say that of which I am not sure.

Q. If, from respect to Mrs. Clarke, you thought it, right to remonstrate and expostulate against the transaction, with Colonel French in 1804, why did you yourself in 1805 bribe her with one thousand pounds, to get an office for you?

A. Because she was peculiarly distressed for money at the moment, and because the appointment would remain a secret in my breast, and nothing but such an inquiry as this could have possibly have drawn it from me. The Duke of York's character and Mrs. Clarke's would never have suffered from that which unfortunately I am now obliged to communicate to this house.

Q. Then the committee is to understand that your only reason for remonstrating and expostulating with Mrs. Clarke, was not against the impropriety of the act, but on account of the risk of discovery?

A. For both reasons, and her answer, as far as I recollect, was this: I stated to Mrs. Clarke the anxiety and trouble that it seemed to have occasioned to her in this business of Colonel French's; and that I advised her, by all means, to have a regular payment from the Duke

Duke of York, instead of meddling with such matters ; and she told me, that he really had not the money.

Q. Although then you might think the secret safer with you, did you not feel the impropriety of the act equally applied to your transaction ?

A. I was principally induced to it from the difficulty and embarrassed situation she was in at the moment I purchased the situation.

Q. You have stated, that Mrs. Clarke was so much offended with your expostulation and remonstrances, that you saw very little of her since ?

A. Not so frequently as before, by much.

[The following Question and Answer, given by the Witness in the former part of his Examination, were read.]

Q. "You have stated that you remonstrated with Mrs. Clarke on this transaction: what answer did she make to you when you so remonstrated; what excuse did she offer?"

A. "This and other proceedings I frequently mentioned, and endeavoured to dissuade Mrs. Clarke from having any thing to do with them. She stated, that the Duke of York was so distressed for money that she could not bear to ask him; and that it was the only way in which her establishment could be supported. I beg leave to state, that, in consequence of this, Mrs. Clarke was offended with my freedom, and I ceased to see or hear from her, for I cannot tell how long, till I think nearly my departure for South America, in 1806."

(Mr. Dowler.) I beg leave to amend that: That I saw her less frequently during the interval; not so frequently as I had seen her before: It produced a great deal of anger in Mrs. Clarke, my taking the liberty of giving my advice; as I have stated.

Q. Mr. Baring. Were you personally acquainted with Sir Brook Watson?

A. Not

A. Not sufficiently so to bow to him, even passing in the street.

Q. Do you know whether your Father was acquainted with Sir Brook Watson?

A. He was, but not intimately, not on terms of particular intimacy; he dined with him once a year, with the Common-councilmen of the Ward, that was the utmost intimacy I know of subsisting between them.

Q. Did you never hear your Father say that Sir Brook Watson had interceded, or would intercede, to procure you a situation under Government?

A. Never.

Hon. Mr. Forke. Q. You have stated, that besides the thousand pounds you paid Mrs. Clarke, you paid her large sums at different times; can you state the whole amount of the sums you have paid to Mrs. Clarke at those different times?

A. I cannot recollect the amount of them, but I recollect particularly that I paid one hundred and seventy pounds or guineas for a vis-a-vis to Captain Warner, who was going abroad, and she told me she should have the money in from the Duke of York in a few days to pay me.

Q. Did they amount altogether to a thousand pounds?

A. I am unable to state, I kept no account.

Q. What is the amount of the pay, with the emoluments of the office which you now hold?

A. In England, on the home staff, the pay of an Assistant Commissary is fifteen shillings a day, with various deductions.

Q. Is that the whole emolument?

A. There is an allowance for lodgings when you are not in barracks or billeted, but that ceases if you are billeted.

Q. What were the emoluments of the office which you held before your last promotion, when you first obtained the situation under Government?

A. The first office was that of Assistant Commissary of Stores, the emoluments of which I have stated.

Q. What

Q. What do the emoluments of the present situation which you hold amount to?

A. There is an extra five shillings, called Treasury Pay, given to the Officers of the Commissariat on foreign service, subject to the deductions of income tax, and others that are usual.

Q. Did you obtain that promotion or change of your situation from any interest on the part of any body, or was it granted without application to any body?

A. It was granted on my application to Mr. Harrison, in consequence, I would take the liberty of adding, of my stating to Mr. Harrison that I had suffered in my health from being in South America; I did not wish to avoid foreign service, but was unable to go through the fatigue of the Store Department, but that if their Lordships thought proper, I conceived myself able, and was willing, to undertake that of the Account Department. Mr. Harrison replied, I will see about it. He went out of his office, and returned in a few moments, and said he could see no objection, if it was not objectionable to the person going at the head of the department. The pay of the two departments is the same.

Q. Do not you conceive it probable, that, from the respectable situation your Father held in the Corporation of the city of London, you might be likely to have several friends who interceded with Government for the office to which you were first appointed?

A. I believe not.

Q. You have stated your belief, that the Duke of York was acquainted with the circumstance of Mrs. Clarke taking this money; can you state what circumstances induce you to entertain that belief?

A. The assurance of Mrs. Clarke.

Q. You know of no other circumstances but the declaration of Mrs. Clarke, to induce you to that opinion; no circumstances had occurred to corroborate that opinion?

A. With respect to the money of course I cannot, but she said I should be gazetted very shortly, and I was so.

Q. So that that opinion which you have given to the
House

House, was founded solely on the declaration of Mrs. Clarke, without any other corroborating circumstance?

A. Of course I had no communication with the Duke of York, and it was her declaration alone which led me to believe that he knew it, and my subsequent appointment.

Q. Did you ever tell Mr. Vernon at the Treasury, at the time you received your appointment, that you owed it to the influence of Mrs. Clarke, or at any time before, that you expected it from her interest?

A. I do not recollect having any conversation with Mr. Vernon upon that subject.

Mr. Vansittart. Q. Were you not, previous to your appointment, ever introduced to one of the Secretaries of the Treasury, or some other gentleman there?

A. I never was introduced to either of the Secretaries of the Treasury, to my recollection; I have not the knowledge of the person of any one of the gentlemen who were then Secretaries of the Treasury.

Q. Or one of the chief clerks?

A. Not to my recollection.

Mr. Huskisson. Q. Before you received your appointment from the Treasury, were you not referred to the Comptrollers of Army Accounts, to be examined as to your fitness to be a Commissary?

A. I was.

Q. Do you recollect what interval there was between that reference and your appointment?

A. I do not.

Q. From whom did you receive the letter of reference to the Comptrollers?

A. I am not certain, but I recollect the circumstances of my going to the Comptroller's Office; I saw the Secretary, Mr. Fauquier, I think his name was, gave me the usual questions which were put, which I was to answer on a sheet of paper, what my habits of life had been, my knowledge of business, and so on; those I answered, and he said the Comptrollers were not then sitting, but if I was required further, he would let me know.

Q. Do you know whether you received that letter from Mr. Vernon ?

A. I did not.

Q. State to the Committee in what situation on the Commissariat's Staff you were employed immediately before you were sent on service in Portugal ?

A. The accounts of the Commissary General were not made up, or rather my accounts, which are the last, having been kept at Buenos Ayres after the departure of the Army, having been sent there to pay for the supply of the Army and the Navy on their return home ; and I was apprized by Mr. Bullock, that I was placed on half pay, which could be but a few weeks previous to my departure for Portugal ; and the day previous to my departure, I was the whole day with Mr. Bullock, finally settling our accounts.

Q. You were Assistant Commissary, under Mr. Bullock, of Stores and Provisions, in the Expedition to Buenos Ayres ?

A. I was.

Q. Not being wanted at your return, you were placed on half pay as soon as your services could be dispensed with ?

A. I was surprised to find that I was placed on half pay, though I believe it was but for a very few weeks, because my accounts with Mr. Bullock were not settled, and I resided in London in consequence of it.

Q. Were you placed on half pay by any order of the Treasury ?

A. I was only apprized of it through Mr. Bullock, I do not know that it was the fact.

Q. Do you know on what recommendation you were sent on service to Portugal ?

A. I do not, Mr. Coffin told me that he had not suggested my name.

Q. Do you know whether Mr. Coffin, the Commissary General, was called upon on the occasion of the Expeditions to Portugal and Spain, to furnish the Treasury with a List of all Assistant Commissaries who were upon half pay, or not otherwise wanted on services in England, in order that

that they might be sent on service to those countries, without making fresh appointments?

A. Mr. Bulkley called upon me at the coffee house where I had resided, and told me he had been informed that morning, that I was put down for the Expedition under Sir Arthur Wellesley; I was in bad health, and had been constantly occupied, and he knew that well; and he said, I would advise your going to the Commissary General's, in Great George-street, to-morrow.

Q. When you went to the Commissary General's, were you told to hold yourself in readiness for foreign service?

A. I think Mr. Coffin, or Mr. Morse said to me, Well, are you ready to be sent again? I said, I hope not just yet. I think Mr. Coffin came out, and said, I did not suggest your name to the Treasury, I assure you; or that Mr. Morse said, he believed that Mr. Coffin had not done so.

Q. Had you made no application or interest to go upon this service?

A. Certainly not, except that which I made to Mr. Harrison, finding I was appointed to the Store Department.

Q. Up to the period that you applied to Mr. Harrison, requesting that you might be changed from the department of Stores to the department of the Accounts, had you any reason, except that you could perform it with more satisfaction; did you consider it any promotion in the service?

A. Certainly not, for I believe it is certain that there is a greater chance of promotion in the Store Department, from its activity, and that activity being in the eye of the Commander in Chief, than being in the Account Department.

Mr. Booth. *Q.* Before you were in the Commissaries Department, what was your profession of life?

A. I was a long time, after my Father quitted London and quitted business, without any kind of occupation; my Father's liberality rendered it unnecessary for me for some time previous to my appointment.

Q. Before you were appointed to the Commissariat, did you not follow the business of a stock-broker?

A. Some years previous to that, I believe in the

year 1800, or 1801; I am not certain precisely as to dates.

Q. Why did you quit that line of life, and when?

A. It was my Father's desire, and besides that, in consequence of peace first, and afterwards the renewal of hostilities, I lost a great deal of money, by the failure of different persons, and my Father was constantly urging me to quit it, as a very hazardous and dangerous employment.

Q. Then your resignation of that profession was after the breaking out of hostilities?

A. I am pretty sure it was.

Q. How soon after did you pay one thousand pounds to Mrs. Clarke for this situation?

A. My Father paid it, my Father gave me the money for it.

Q. Was that the only reason assigned for your leaving your business of a stock-broker, or was it not from embarrassed circumstances in the Alley?

A. I was invited to stay in the Stock Exchange by some of the Members, but my Father would not consent to it.

Q. Did you pay all your differences?

A. I paid my last shilling, and involved myself considerably.

Q. Did you pay all your differences?

A. I have never seen the paper, nor my books of the Stock Exchange, because they were delivered immediately into the hands of the Committee; they were requested to be examined, and to this moment I have not received them back. All the differences would be that which you lose by the failure of others, and among others, Mr. E. P. Solomon's and Mr. Cope were deficit to the amount of five or six thousand pounds to me, which was the cause of my leaving the Stock Exchange.

Q. Have you paid the debts due from you, at the time of your quitting the Stock Exchange?

A. Certainly not; because these are debts due from me in point of honour, as it is a place where many of the transactions are not legal: these are due from me; they came suddenly on me; and I believe they are the only transactions that I had with those persons.

Q. Do

Q. Do you recollect at what time your quitting the Stock Exchange took place?

A. The date I cannot tell; it was the time of the failure of Mr. E. P. Solomons and Mr. Cope.

Q. It is a pretty important event in your life; do not you recollect when it occurred?

A. No; not unless I had my papers; I was endeavouring to recollect this morning; but I have not a particle of paper here; I expect my things from Lisbon; and I could tell if I had my banker's book.

Q. You have stated, that you had at various times lent money to Mrs. Clarke; had you lent any money to Mrs. Clarke, previous to your quitting the Stock Exchange?

A. I do not believe I had.

Q. Had you given any money to Mrs. Clarke, previous to your quitting the Stock Exchange?

A. I do not believe that I had.

Q. Were you acquainted with Mrs. Clarke previous to your quitting the Stock Exchange?

A. Certainly.

Q. For how long?

A. I must refer to the former answer I have made, that I had known Mrs. Clarke several years.

Q. Do you recollect the first time you either lent or gave any money to Mrs. Clarke?

A. I do not.

Q. How long ago might it be, two or three, or four years ago?

A. I wish I could answer the question, but it is impossible; I have not any recollection upon the subject that can be called accurate or near it.

Q. Was it all in one year, or in different years?

A. Of the one thousand pounds, two hundred were first given her, and afterwards the eight hundred.

Q. Were these the only sums that you ever lent her?

A. I have stated before, that I have lent her sums at different times, which I had always been assured would be repaid, amounting to a considerable sum, which I cannot recollect exactly, but which never were repaid.

Q. Do you mean to state, that you lent various sums of money

money to a considerable amount, expecting them to be repaid, and yet have no recollection of what they were?

A. Except the hundred and seventy guineas for the vis-a-vis, I have no recollection of the precise sums.

Q. Do you mean to state, that they were loans to Mrs. Clarke?

A. Yes.

Q. Had you any security for those sums of money that you lent to her?

A. None.

Q. Did you take any memorandum of the sums that you lent to her?

A. I am pretty sure not.

Q. And those sums were to a considerable amount, at various times, for which you took no memorandum?

A. I have taken none.

Q. You arrived from Portugal on Thursday last?

A. Yes.

Q. Have you seen Mrs. Clarke since your return from Portugal?

A. Yes.

Q. When did you see Mrs. Clarke, since your return from Portugal?

A. On Sunday last.

Q. Have you seen her since?

A. I saw her just now, in the Witness's room.

Q. Was any body with Mrs. Clarke when you saw her?

A. I waited upon her, to request that I might not be called upon as a Witness; seeing the circumstance of Colonel French's levy in the newspaper, I saw her address in the newspaper.

Q. Was any body with Mrs. Clarke when you called upon her?

A. Nobody but a young lady or two.

Q. What conversation passed between Mrs. Clarke and you when you called upon her?

A. I lamented the situation in which I found her placed, as to the notoriety of this, and that I had always told her I was fearful it would become known; and she said the Duke of York, to the best of my recollection, had driven her to it

it by not paying her debts, and not being punctual in the annuity, as she termed it, that she was to receive from him.

A. She told you that the Duke of York had driven her to this proceeding, by not paying her debts, and not being punctual in the annuity that she was to receive from him ?

Q. I do not know that she said he had driven her to it ; my conversation was as short as possible, merely to request that I might not be called upon.

A. Had you seen Mrs. Clarke before you went to Portugal, in the course of last summer ?

A. Yes.

Q. Frequently ?

A. I cannot positively state how frequently ?

Q. Do you recollect what was the last time you lent her or gave her money ?

A. I do not indeed.

Q. Have you lent or given her any money since the time of your appointment to the commissariat ?

A. Upon my word I cannot recollect ; if it has been, it must be very trifling.

Q. Can you positively assert, that neither you nor any other person connected with you, solicited Sir Brook Watson to support the interest which you supposed to be making for you at the Treasury, to procure the appointment in the Commissariat department ?

A. Never to my knowledge.

Q. Did you know that Sir Brook Watson was frequently consulted at the Treasury in making out Commissariat departments.

A. I was not acquainted with that circumstance ; but I was not at all known, and I did not even bow to Sir Brook Watson if we met ; I was not on sufficiently good terms with Sir Brook Watson to think he would aid me in the appointment ; on the contrary, when I waited on him, having received my commission, he did not seem to know me, and ordered me to depart the next morning.

Q. Can you say whether Sir Brook Watson knew that interest was making in your favour at the Treasury for that appointment ?

A. I

A. I know nothing of that circumstance.

Q. Can you positively say Sir Brook Watson did not, to the best of your knowledge, make any application to assist with his recommendation the interest making for your appointment ?

A. I believe, to the best of my knowledge, that he did not aid me in procuring the appointment.

Q. Have you always and uniformly represented that Mrs. Clarke was the author of your appointment ?

A. I avoided saying any thing upon the subject as much as possible.

Sir Arthur Pigot. Q. Did you ever, at any time say that you owed your appointment to Sir Brook Watson ?

A. I have not any recollection of saying so, to the best of my belief ; but it is hardly possible to recollect circumstances of such long standing ; I always, to shield Mrs. Clarke and to prevent any suspicion, said, that she did not give me the appointment, and therefore I confined myself to the truth intentionally ; I gave that answer when I was pressed by persons who knew me ; they might conjecture, but I always avoided the question as much as possible, and few persons took the liberty of asking me.

Q. If you ever said you owed your appointment to Sir Brook Watson, could you ever have forgotten it ?

A. The errors of memory are so great, that I cannot positively speak to such a thing ; but I should imagine I never did say so ; trusting to one's recollection at a length of time is a very arduous task.

Q. Do you admit, that you might have said to some person or other that you owed your appointment to Sir Brook Watson, and have forgotten that you said so ?

A. I do not think that I ever said so, but I do not pledge myself to say that I never did say so ; but I do not believe it.

Q. Do you admit that you might have said to some person or other that you owed your appointment to Sir Brook Watson, and have forgotten that you said so ?

A. I have answered that question to the best of my knowledge.

WILLIAM HUSKISSON, Esq. a Member of the House, attending in his place, was examined, as follows :

Q. I believe you were Secretary of the Treasury in the months of May, June, and July in the year 1805.

A. I was.

Q. Will you acquaint the Committee what is the course of application for appointments of this kind to the Treasury; and whether you recollect any application either of Mr. Richard Manby, or of the gentleman who has just been examined?

A. The course of application for appointments of this nature, and all other appointments in the gift of the Treasury, as far I know is this : that an application is either made directly to the first Lord of the Treasury or the Chancellor of the Exchequer, or more indirectly to those persons through the channel of one of the Secretaries of the Treasury, or the private Secretaries of those persons : sometimes, nay frequently, applications are made verbally either to the First Lord of the Treasury or to the Chancellor of the Exchequer, who makes a memorandum of the application and it is then noted in the memorandum-book kept by his private Secretary, or communicated to the Secretary of the Treasury, to be noted in a memorandum book kept there : if any application is made for an appointment on official grounds, that is made certainly in a different shape : it would then be presented to the Board of Treasury in the shape of a memorial, or some official document, which would go through the regular course of official business ; of that nature are recommendations for promotions for Commissaries, or any other servants of the Public, who, having distinguished themselves, receive recommendations from the superior under whom they have served : any document of the latter description, I believe would be forth-coming in the Treasury ; but as to any application for an appointment, I know no instance of such a paper being considered an official application, or register or any public note made of it : in consequence of that, I do not believe that the most diligent search into the records of the Treasury will afford any trace
of

the quarter or of the manner in which this person was recommended to his appointment, whether the application was made to myself to be communicated to the then First Lord of the Treasury, or made to my then colleague in office, or to any other person who had access to the First Lord of the Treasury, or whether it was made to the First Lord of the Treasury himself, I am altogether ignorant : I certainly have not the least recollection of this person being recommended ; and until he stated to the Committee this evening that he was an Assistant Commissary, I did not know that there was such a person upon the Staff ; upon his stating that circumstance, and that he purchased the commission from Mrs. Clarke, my attention was of course called to his evidence ; I then took the name of the witness, and I have recalled to my recollection, that a person of that name had been directed to proceed to Portugal, to serve in the Commissariat there ; and that he was directed for this reason, that when a very large force was proceeding to Portugal and to Spain, it of course became necessary on the communication of that circumstance from the Secretary of State, to provide a Commissariat Staff adequate to the amount of the Army going to serve in those countries : I communicated this to the Commissary General and the Comptrollers of Army Accounts, and desired they would furnish me with a complete list of all the Commissaries who were either not absolutely wanted in the service in England, or being on half pay might be sent : in the list so sent I must have found the name of this Gentleman, and I can state that with the more confidence, because extensive as that Army was, and numerous as the Commissariat, there was not any one fresh officer appointed, the whole were taken either from the half pay of the Commissariat as I have stated, or from persons who in consequence of the reduction of the force in this country, it was conceived might be spared for foreign service. I am confident I never saw Mr. Dowler till I saw him at the bar ; I certainly do not recollect any one circumstance connected with his appointment : I do not know when it took place, nor can I give any other account, than that which I have

now

now given. I know that Mr. Manby holds an appointment in the Commissariat, because finding him upon half pay he was directed to take charge of a district in England from which another Commissary was sent on foreign service ; but I cannot recollect whether Mr. Manby was appointed during the time I held the situation of Secretary to the Treasury, or at any other period. I am equally ignorant as to the circumstances which led to his Appointment, and of the quarter from which he was recommended, as of the person who has been examined.

Q. Do you recollect Mr. Adams being appointed a Commissioner of the Lottery ?

A. I do recollect his being appointed a Commissioner of the Lottery, when he was private Secretary to Mr. Pitt, at the time he was First Lord of the Treasury.

WILLIAM STURGES BOURNE, Esq. a Member of the House, attending in his place, was examined as follows :

Q. You were Secretary of the Treasury in the months of May, June, and July, in the year 1805 ?

A. I was.

Q. Will you acquaint the Committee whether you recollect any application, either of Mr. Richard Manby or of the gentleman who has just been examined ?

A. After the statement which has just been made, it will be only necessary for me to state, that I never saw Mr. Dowler, till I saw him at the bar to night. I do not recollect any application being made to me on the subject of this appointment, and am totally unacquainted with the circumstances respecting it.

Mr. HUSKISSON said “ he would search in the Offices of the Treasury, and if any documents could be found as to his appointment, and that of Mr. Manby, the House should have the benefit of the information.

Sir

Sir THOMAS TURTON moved, "That the House do adjourn, observing, that it was impossible to come to any conclusion that night, and he urged the lateness of the hour, and the Fast Day approaching."

Mr. WARDLE said, he was considerably fatigued, but if the House wished it he would go on.

The CHANCELLOR of the EXCHEQUER was for proceeding.

FOURTH CHARGE

AGAINST

THE COMMANDER IN CHIEF.

Mr. JOHN GRANT was called in, and examined by the Committee as follows :

Q. Were you Agent for Colonel French's Levy?

A. I was.

Q. Do you know what agreement existed between Colonel French and Captain Sandon, with regard to the Levy?

A. That it was to be a joint concern.

Q. Do you mean by a joint concern, that they were to stand in equal proportion of gain or loss?

A. I do.

Q. Do you of your own knowledge know through whose influence it was that Colonel French first obtained his Letter of Service?

A. I have no further knowledge as to that fact than what was told me by Colonel French and Captain Sandon.

Q. Will you relate what Colonel French and Captain Sandon told you?

A. They told me that they were to have a Levy, and were to get it through a friend, which friend at that time

I did

I did not know, but before the Letter of Service came out, I was acquainted that it was through a Mrs. Clarke.

Q. Did you know from them that they gained that Letter of Service through the medium of that friend then unknown to you?—A. They told me so.

Q. Do you recollect that during the progress of the Levy, any alteration was applied for in the original terms of the Levy through the same medium, Mrs. Clarke.

A. I do know that an alteration was applied for: they applied, but I cannot say that that was through the same medium.

Q. State what that alteration was?

A. I cannot immediately state it from recollection, but it will appear upon the Letter which was issued from the War-office in consequence.

Q. A Letter sanctioning the alteration was issued from the War-office in consequence of an application, but through what medium you do not know?—A. No.

Q. Did you ever hear Colonel French or Captain Huxley Sandon say by what means they had obtained that alteration?

A. I in fact knew the means, because it was a Letter written applying for such an alteration.

Q. To whom was that Letter addressed?

A. I understood to the Commander in Chief.

Q. From Colonel French and Captain Sandon?—A. Yes.

Q. Can you recollect that any other alteration in the Levy was made?

A. I cannot charge my memory with any more than one.

Q. Was there any alteration with respect to Boys?

A. I think that was in the original Letter of Service; I cannot be certain as to that; but it was either in the original Letter of Service or in the amendment.

Q. Were you acquainted with the terms on which Mrs. Clarke's influence was obtained by Colonel French and Captain Huxley Sandon?

A. I did understand at first that she was to have 500l. or guineas; but afterwards I understood there was some

other alteration, which was to allow a guinea for every man raised.

Q. Do you know that any sum or sums of money were paid in consequence of that last agreement to Mrs. Clarke?

A. I have been told so; but know nothing of it myself.

Q. Were you told so by Colonel French or Captain Huxley Sandon?

A. By both.

Q. You were told both by Colonel French and Captain Huxley Sandon, that Mrs. Clarke received payments according to the last agreement of a guinea a man in addition to the 500 guineas originally contracted for?

A. I cannot say whether it was upon the first or the last agreement, but that she received several sums.

Q. Do you know that she received several sums subsequent to the agreement you speak of, of a guinea a man?

A. I do not know at what period she received any sum; nor do I speak from my knowledge of her receiving any, but only from what I was informed by Colonel French and Captain Huxley Sandon.

Q. Did you as Agent to the Levy pay any sum of money to her or to any other person?

A. To her none; but to several others very large sums.

Q. Do you recollect paying a draft of 200l. drawn in favour of Mr. Corri by Captain Huxley Sandon?

A. I accepted such a draft, and it was paid by my banker.

Q. The amount of that was placed to the Levy account?

A. To the Levy account.

Q. Have you ever understood or been told by Colonel French or Captain Sandon, that Mrs. Clarke has received very considerable sums for her influence on the Levy account?

A. I have.

Q. Did they ever either one or the other of them tell you,

you, or have you reason to know, the amount of the different sums paid to her on that account?

A. I know nothing of my ownself; but they have mentioned to me the sum, I think, of 1,700l.

Q. Did you ever hear Colonel French or Captain Sandon complain of Mrs. Clarke having disappointed them in any of their applications on that subject?

A. I do not know that they ever made any others to her.

Q. Did you ever hear Colonel French or Captain Sandon complain of Mrs. Clarke having disappointed them in any of their applications on that subject?

A. I cannot call any such thing to my memory; it does not occur to me at present.

Q. Do you recollect Colonel French and Captain Sandon to have expressed themselves satisfied with the exertions Mrs. Clarke had made in their favour?

A. No.

Q. Do you recollect that Colonel French ever applied to you, respecting the loan of 5,000l. that was to be raised for the Commander in Chief?

A. He did mention to me that he wished to afford to the Duke such an accommodation.

Q. Did Colonel French desire you to take any steps towards procuring that money?

A. No.

Q. Did he state to you his reasons for wishing to accommodate the Commander in Chief with that sum?

A. No.

Q. But you recollect that Colonel French spoke to you, respecting the raising of such a sum of money for the Commander in Chief?

A. I do; that he asked him to lend it to him for the purpose.

Q. Will you as nearly as you can recollect state what passed upon that subject?

A. I do not recollect any particulars that passed, further than his asking me to lend him such a sum of money

for

for that purpose ; as to the particular words I cannot possibly recollect.

Q. You took no steps whatever for raising the money ?

A. None.

Q. Did you state to Colonel French that it could not be done ?

A. I told Colonel French that under the heavy advance I already was, for the Levy, I certainly could not do it with convenience.

Q. Do you recollect that Colonel French suggested that this loan of 5,000l. was to be advanced, provided the arrears due from Government on the Levy account were paid up ?

A. No such condition or provision was stated ; but it was observed, that if that should be recovered it might form a part of it.

Q. Was it Colonel French who made that observation ?

A. I really cannot recollect whether it was from Colonel French or from myself.

Q. Then the mode of accommodating the Duke of York was agitated between you ?

A. If that may be called a mode, it certainly was.

Q. Do you mean to say, that if the sum due from Government to Colonel French on account of the levy was paid up, the Duke of York might on that event have been accommodated ?

A. No, certainly not.

Q. Was any application made to your knowledge by the Duke of York, for the paying up of the sums due on the levy ?

A. Not that I know of.

Q. Did Colonel French ever tell you such application was to be made, or had been made ?

A. Colonel French did promise that he would memorial the Duke upon it.

Q. Did you say that if the money was paid up, the five thousand pounds was to be lent to him ?

A. No.

Q. Then you mean merely to state, that if the money due on account of the levy was paid, that on that event
you

you would have been able to have met Colonel French's wishes, and to have made the advances to the Duke of York?

A. No; I never mentioned any such idea, nor took it into consideration.

Q. I thought you said, that there being so much due from Colonel French on the account of the levy, you could not meet his wishes upon that subject?

A. That did not relate to what was due from the War Office, but to a large sum still due from Colonel French and Captain Sandon; which they had expended perhaps in other ways, and which sum they are still indebted to me to a very large amount.

Q. Do you recollect Colonel French complaining of other parties having larger bounties than were allowed to his levy, and that that hurt his recruiting very much?

A. He did mention, that he met recruiting parties wherever he went; but as to the bounty being larger or not, I cannot undertake to say that he did.

Q. It is understood that Colonel French and Captain Sandon had at one time thirteen guineas, and at another time nineteen; at what period was the sum advanced from the thirteen to the nineteen?

A. I cannot speak particularly as to the period, but I think it was in May, 1804; if the Letter of Service is referred to, that will shew it distinctly.

Q. Did Colonel French tell you whether that advance was procured through the medium of Mrs. Clarke?

A. No.

Q. Do you recollect that Colonel French ever told you that through the influence of Mrs. Clarke, he had obtained permission to have his recruits passed nearer the places where they were recruited than before?—A. No.

[The Witness was ordered to withdraw.]

The CHANCELLOR of the EXCHEQUER said, that it was perfectly unnecessary to put more questions to this witness, as he could not answer them from his

own knowledge, and they could only tend to prejudice the evidence of Colonel French.

LORD FOLKSTONE urged "the propriety of adjourning the further investigation of the business, which was then the more proper, as a great many Members had left the House since the adjournment had been proposed by another Member."

THE CHANCELLOR of the EXCHEQUER stated, "that if any adjournment took place in that stage of the investigation, when witnesses had been called to prove one side of the case and none upon the other, justice would not be done to the Personage against whom the charges were made. As a complete enquiry must be the object of all parties, he therefore trusted that no interruption should be suffered to take place."

MR. WARDLE here observed, that he needed no force to compel him to do his duty; he had laid down his plan for proceeding; but if it was the wish of the House, he would agree that Mrs. Clarke should be called in.

Mrs. MARY ANN CLARKE was called in, and addressed the Committee, as follows:

I feel myself so very unwell, and so very much fatigued, that it is impossible for me to be examined this evening; I have been waiting here eight hours, and I am quite exhausted with the fatigue; my feelings have been very much harassed during the time.

[The Witness was directed to withdraw.]

[The Witness was again called in.]

[The Chairman informed Mrs. Clarke, that it was the pleasure of the Committee that her examination should proceed, and that a chair should be provided for her accommodation.]

(Mrs. Clarke.) The chair will not take the fatigue off my mind.

[The Witness was ordered to withdraw.]

Mr.

Mr. YORKE addressed the Committee. He said that there was too much reason for believing that the witness had been conversing with the last witness but one since his examination, and that she wanted further time merely to digest her thoughts, and make a more plausible story on her next appearance. He therefore proposed, to prevent a recurrence of a similar mischief, that the Serjeant at Arms should be ordered to take her into custody, and detain her till her next examination.

Lord HENRY PERRY had the same feeling; that she must either submit to be examined, or be committed; but he thought it right she should be apprised of the alternative.

Mr. WILLIAMS WYNNE reminded them, that the House must be resumed before they could exercise the power of committing her.

Mr. ROSE thought it fair she should be informed, that she might agree to seclude herself from all intercourse until her next examination.

Mr. YORKE was not aware that there was no precedent to be found of a Committee committing a Witness for refusing to answer.

The SPEAKER said, it was of the highest importance to deal with the liberty of the subject. He was not acquainted with any precedent of a Committee committing a Witness; he was sure there was no modern one; as there was no precedent of an examination into such a complaint as the present since the days of Queen Anne. He conceived, however, they could do nothing conclusive in a Committee.

Mr. SHERIDAN could not see, if she persisted in refusing to answer, how they could compel her; and if they could, the world might say that such a proceeding was unfair; nay, she herself might hereafter attribute her answers to such compulsion, and deny them. Making allowance then for these considerations,

tions, would it add to the cure by locking her up? But if it were right in this case, why not confine all the other witnesses, to prevent communication?—To-morrow also was the Fast Day, and so she would be of necessity in confinement till Thursday. Besides, she has already had all the time that was necessary for holding any communication that might be thought necessary.

Mr. WARDLE stated, he had just received a note from Mrs. Clarke, in which she expressed a wish to see him, as she was very much indisposed.

Mr. LYTTLETON and Mr. CROKER both expressed their wish she should be immediately examined, as they feared she would have communications with the Witnesses already examined.

Mr. ADAM felt the circumstances they were placed in to be of the most serious nature; the cause itself was of the greatest importance, and the eyes of the country were upon them; but they were to do their duty. There were important considerations which should be equally balanced, as, on the one hand, they should see that no communication was had with her, so, on the other, it should not be said that her evidence was forced. This was the dilemma they were placed in; as in cases of Committees upon contested elections, they could not confine witnesses for refusing to answer; so he conceived they could not here; this it was reduced them to the difficulty they were in. Of the two evils then, he thought it better to leave off where they were, and to let it go to the credit of her testimony, if, upon examination, it should appear she had had any communication with the other witnesses; but if they were to force her on now, that would be an excuse for her testimony; but not an impeachment of her credit.

Mr. CANNING suggested the examining her now merely to the point, whether she had any communication

tion with the last Witness but one since he had retired from the bar ?

Mr. WHITBREAD wished to know of what use this would be ; though she should answer in the negative, yet she might gain information to-morrow by channels he could not allude to there.. He thought it better to begin with her on the next night the Committee should sit, and then examine her as to these points ; at present one question would bring on another, and that at a time when she had declared she was unable to answer. He therefore thought it advisable to defer the examination.

Mr. CANNING ended the discussion by suggesting the calling in Mr. Dowler, and interrogating him, whether he had had any communication with Mrs. Clarke since his examination. Accordingly,

WILLIAM DOWLER, Esq. was again called in, and examined by the Committee, as follows:

Q. Since you quitted this bar, have you had any communication with Mrs. Clarke?

A. Only to offer her refreshment, as she is very unwell; I procured a glass of wine and water for her, which I put beside her.

Q. Have you communicated to her the substance of what passed here during your examination ?

A. No.

Q. How long were you in the room with Mrs. Clarke ?

A. I imagine five or ten minutes :—the gentlemen withdrew from the room for some time, and I was absent at the time : I was in the room perhaps five or ten minutes.

Q. Did you give Mrs. Clarke any intimation whatever of what had passed in this House ?

A. She asked me the names of the gentlemen by whom I had been examined ; and I answered that I did not know them.

Q. What other persons were present in the room ?

A. The whole of the witnesses I believe ; she was un-
well

well, and several gentlemen gathered round her, and asked her whether she would take refreshment.

Q. How many witnesses are there attending?

A. When I say all the witnesses, I suppose there were eight or nine in the room, I cannot speak positively.

Q. Were you apprised that you ought not to have any communication with Mrs. Clarke?

A. I felt so.

Q. And acted entirely from your own feelings upon the subject?—**A.** Yes.

[The Witness was directed to withdraw.]

[The Chairman was directed to report progress, and ask leave to sit again.]

On Thursday, February, 9th, Mr. WARDLE moved the Order of the Day for the House going into a Committee on the Enquiry into the Conduct of the Duke of York.

MR. WHARTON in the Chair.

Mr. YORKE, previously to the Speaker's leaving the Chair, and referring to what passed in the Committee on Tuesday night, begged leave to say a few words on the subject of the suggestions then thrown out by him for the consideration of the House. He was aware that what passed in that House might be misunderstood, and might also be misrepresented out of doors. He therefore wished to state the grounds of what had then fallen from him. In the first place, what he had thrown out on the occasion alluded to, was merely a suggestion for the consideration of the Committee, in consequence of their not going on with the examination, which they seemed so anxious to proceed in. He hoped he, as much as any Gentleman in that House, would be ready to listen to the application of any witness whom they might feel it necessary to call to their Bar, particularly in

in an enquiry of such importance. He was the last man to recommend the adoption of harsh measures against any person, particularly against a female. But he would not have discharged his duty if he had not stated the impropriety of allowing a communication between one witness who had been examined and another who was then about to be examined, on a subject of so much consequence, a communication which, in his opinion, could not take place consistently with the ends of justice. He suggested it, therefore, only for the consideration of the House;—how far it would be proper, with the view of preventing this evil, till the witness could be examined, that she should be committed to the Serjeant at Arms. An opinion had gone abroad that this was a novel and unparliamentary suggestion, and not agreeably to the forms of proceeding in that House. In his own justification, he must now be excused for alluding to some precedents, which, though not entirely in point, went, he conceived, to sanction the principle suggested by him. At the moment he could only speak to his general recollection. Since, however, had taken an opportunity of looking into the Journals, and he should wish some of the cases to be read, not because they were absolutely in point, but because they bore on the principle. The House had acted contrary to his suggestion. He was now glad it had done so, and he was now of that opinion also. He was anxious, however, that the cases should be read, that the House might know what they are. He then moved that the Clerk do read from the 18th volume of the Journals, the case of Matthew Prior, Esq. who being to give testimony before a select Committee of that House appointed to examine into the Treaty of Utrecht, was ordered to be kept in close custody of the Serjeant at Arms till his evidence was concluded.

Mr. YORKE then moved, that the 21st volume of the Journals be also referred to—~~or~~ some of the members

bers expressing some dissatisfaction, the Honourable member begged the attention of the House. It was necessary that the House and the Public should know what had been done by their ancestors.

The case was then read,

Mr. YORKE submitted that it was now apparent, that the practice of keeping a witness in custody, was not so novel or unparalleled a circumstance as might have been supposed. In not adopting it he now thought the House acted very properly ; but at the same time, he hoped there was nothing wrong in the suggestion he had made.

Lord FOLKSTONE remarked, that if the cases alluded to by the Honourable Gentleman, were read only in justification of himself, he had no objection to the time of the House being so occupied ; but if the Honourable Gentleman meant to found any motion or proceeding on the cases which had been read, he, for one, must insist on time to look into the precedents which had been alluded to. He must even go a little farther, and state, that if it was meant to be laid down that the fact of two witnesses who were examined at the bar of that House communicating together, on any subject, or even on the subject under inquiry, was sufficient to invalidate the testimony of both or either of such witnesses, against that doctrine he must solemnly protest. Such communication might innocently take place ; nay, he thought it was natural it should ; and unless either of the witnesses so shaped their evidence in consequence of such communication, as both to tell the same story, he could not at all figure any thing improper which could result from it. Particularly, he must protest against such a doctrine being entertained, where the witnesses had not even been cautioned against holding any communication with each other.

Mr. FULLER wished to know what any honest witnesses could have in holding any communication of the kind. Wherever the case should occur, he could regard

gard it as nothing short of a contrivance to support their falsehoods, and a design to deceive and impose on the House.

Mr. SHERIDAN now rose, and observed, that in consequence of a question put by him to a witness, on a former night* it had come out that a gentleman whom the witness had seen in Mrs. Clarke's apartments, was a writer for a newspaper; and a surmise had been entertained, both in that House and among the public, that this gentleman was Mr. Finnerty. Such suspicion was so general, that it became necessary, for the character of Mr. Finnerty, that it should be publicly contradicted; he should at present have contented himself with giving to the petition a most solemn and formal contradiction, were not some farther notice of it necessary, in consequence of the peculiar situation in which Mr. Finnerty at present stood. A prosecution was depending against Mr. Finnerty, at the suit of the Attorney-General, for a libel against the Duke of York, which it was understood, would be soon brought to a trial. In this situation, Mr. Finnerty conceived that the introduction of his name, not only as a person accustomed to visit Mrs. Clarke; but, in fact, as the person with whom it would seem to be insinuated the present charges originated, would do him material prejudice with the public on his trial. The Petition from Mr. Finnerty, which he held in his hand, stated these facts, and prayed that he might be called to the Bar, where he would give candid, open, and explicit answers to every question which should be put to him.

The Petition was then read, by the clerk, as follows:—

* Mr. Corri.

TO THE HONOURABLE THE HOUSE OF COMMONS OF
GREAT BRITAIN AND IRELAND, IN PARLIAMENT AS-
SEMBLED.

THE HUMBLE PETITION OF PETER FINNERLY, OF CLEMENT'S INN,
GENTLEMAN.

SHEWETH,

That your Petitioner has heard with surprise and regret, that, in the course of the examination now carrying on before your Honourable House, relative to his Royal Highness the Commander in Chief, his name has been frequently introduced, and that questions have been put implying a suspicion, which may produce an impression injurious to him upon a prosecution instituted against him by his Majesty's Attorney-General, and which is expected to be very shortly brought to trial.—That your Petitioner therefore thinks it necessary to state to your Honourable House, that he is perfectly ready and willing to appear at your Bar, to answer any questions that may be put to him.—As your Petitioner has never been engaged in any transaction which he should shrink from avowing, he begs to assure your Honourable House, that his answers will be frank, full, and explicit.

And your Petitioner shall ever pray, &c.

Mr. Sheridan said, he should now content himself with moving that it do lie on the Table.

Mr. Fuller, “ Then I do humbly move, that Mr. Finnerly—”

The SPEAKER informed the Honourable Member, that there was already a question before the House.

The House immediately resolved itself into the Committee.

WILLIAM STURGES BOURNE, Esq. attending in his place, made the following statement:

I stated on a former night, that I had never seen the Witness, Mr. Dowler, and that I did not recollect that he had ever been recommended to Mr. Pitt through me, but that, if such recommendation had taken place, I should probably be able to find a memorandum of it: I have since searched for such a memorandum, but I can find no trace of his having been so recommended.

WILLIAM

WILLIAM HUSKISSON, Esq. attending in his place, made the following statement.

I stated on the former evening, that I had no knowledge of Mr. Dowler, nor no recollection of ever having seen him, or his having been recommended through me to Mr. Pitt. I certainly have now no recollection of any circumstance I had not then ; in consequence of what I stated to the Committee, that I should make an inquiry, I proceeded, in the first instance, to cause a careful search to be made at the Treasury, whether among the muniments of that Department there was any paper to be found, or any trace of a recommendation of this Gentleman : the result of that search was, that there was no such document in the Treasury. I then sent to the present Commissary General, Mr. Coffin, and I desired Mr. Coffin to examine all the books of the late Sir Brook Watson, and all the papers which, in the course of office, when he succeeded Sir Brook Watson, had been placed in his care ; I also desired the persons who had Sir Brook Watson's private papers, his executor, to examine such papers as were in their possession ; they have not been able to find, either in the public records of the Commissariat Department, or among his private papers, any trace of a recommendation by him, either official or private, of Mr. Dowler in the situation he now holds ; the only mention made of Mr. Dowler in the books of this department is what I shall state presently. Having failed in this quarter, I applied to Mr. Adams, Mr. Pitt's private Secretary at the time he was appointed, for any information he might possess, or any recollection he might have upon the subject. Mr. Adams had not the least recollection, as he stated and is ready to state in evidence if he is called, of any recommendation of Mr. Dowler ; he states, that with respect to all private papers of Mr. Pitt, and any memorandum which might have been kept of persons who had been recommended to him for appointments, whether those appointments had been conferred or not, they were in possession of the Bishop of Lincoln, as his executor. Mr. Adams
went

went yesterday to the town residence of the Bishop of Lincoln, the Bishop is at Buckden, and therefore he could not obtain any information there; but Mr. Adams stated to me, that before the papers of the late Mr. Pitt were removed from Downing-street to the Bishop's, all those which did not appear to be of any importance, but merely of indifference, were destroyed. Whether any memorandum of this nature were or were not destroyed, I must leave to the Committee. I also inquired of every Gentleman in the Treasury, at that time, as to any knowledge they might have respecting the manner in which Mr. Dowler had been recommended; none of those, whom I have seen, profess to have any knowledge of the quarter from which he was recommended. Under these circumstances, it may perhaps be necessary to state, if the Committee wishes for any further light I can throw upon this subject, that I find upon the 29th of March 1805, Sir Brook Watson, then Commissary General, applied officially to the Treasury by a letter which I hold in my hand, that three additional Assistant Commissaries should be appointed. If it is necessary I will read the letter. On the 5th of June 1805, Sir Brook Watson writes again to the Treasury, requesting that five additional Commissaries may be appointed. But I must here observe, that by the context of the letter of the 5th of June it appears that his request of the 29th of March had not then been attended to; no appointments had taken place in consequence of the former letter; that would be, therefore, five in the whole; and he presses their immediate appointment. On the 6th of July, he stated the necessity of one more, in consequence of one being in ill health. In consequence of these requisitions of Sir Brook Watson, it appears, that on the 15th of June I was directed by the Lords of the Treasury to write a letter to the Comptrollers of Army Accounts. This is the first trace I can find of Mr. Dowler. This letter it may be necessary, perhaps, I should read to the Committee.

[Mr. Huskisson read the letter.]

Gentlemen,

Treasury Chambers,
June 15th, 1805."

"Gentlemen,

"The Lords Commissioners of His Majesty's Treasury, intending to recommend to His Majesty, Willim Dowler, Gentleman, for the situation of Assistant Commissary on the Home Establishment, if he shall be found properly qualified for that service; I am commanded by my Lords, to desire you will accordingly examine into his fitness and sufficiency, and report to this board, the result of such enquiry.

"I am, &c.

"William Huskisson."

"Comprs. Army Accounts."

With respect to appointments of this nature, none are made without referring to the Comptrollers of Army Accounts, to examine into the fitness of the person: it therefore becomes necessary, in case my Colleague or myself were directed to prepare a commission for such a person, to put him into this course of examination, as preliminary to granting him such an Appointment. In consequence of this reference to the Comptrollers, a Report was received from them, which it may be also necessary to read: this Report was on the 3d of July.

[Mr. Huskisson read the letter,]

"(No. 175.)"

"Comptrollers Office,
3d July 1805."

"My Lords,

"Mr. Huskisson having by his letter of the 15 ultimo, signified to us your Lordships commands, that we should examine into the fitness and sufficiency of Mr. William Dowler for the situation of Assistant Commissary on the Home Establishment, and report to your Lordships the result of such inquiry;—We have been attended by Mr. Dowler; and having proposed such questions as we conceived necessary for him to answer in writing, we report to your Lordships that in answer to our questions Mr. Dowler states himself to be thirty-two years of age, born in the parish of St. Clement Danes, London.

"That he has not hitherto served in any Commissariat, but that he received a commercial education at Mr. Eaton's in Tower-street, and for sixteen years had the management of his father's counting-house; till he retired from business, that he understands French and Latin; that he is conversant in arithmetic in general, including fractions; that not having served in the Commissariat, he cannot say that he is acquainted with the forms of Returns and Vouchers, or the method of keeping and making up Commissariat Accounts for cash and stores: but as he has received a commercial education, and perfectly conversant

" versant in mercantile accounts, we are of opinion, that your Lordships
 " may with propriety recommend Mr. William Dowler to His Majesty
 " for the situation of Assistant Commissary.

" We have the honour to be,

" My Lords,

" Your Lordships

" most obedient

" humble servants,

" John Martin Leake.

" John Erskine."

" Rt. Hon. Lords Com. of
 " His Majesty's Treasury"

Indorsed :

" (175.)"

" 3d July 1805.

" Comptrollers Army Accounts.

" On the fitness and sufficiency of Mr. William Dowler for the sit-
 " ation of an Assistant Commissary on the Home Establishment."

" No. 3,730."

" Rec. 4th July 1805."

" Read 5th July 1805."

" Give the necessary directions for the appointment."

" Cipriani."

In consequence of this report from the Comptrollers, a letter was written to the Secretary at War, desiring the Secretary at War to lay before His Majesty a Commission for the appointment of Mr. Dowler to be an Assistant Commissary on the home establishment. And here it may be necessary for me to state the course of proceeding in that respect; it is indeed in consequence of some question I put to the Witness. If a person is appointed a Commissary on the home establishment, no Commission issues from the Treasury, but merely a letter to the Secretary at War, desiring he would submit a Commission to His Majesty: if it is necessary to send him upon foreign service, then he gets a Treasury Commission, which Treasury Commission entitles him (as the Witness states he had received) to five shillings additional pay in consequence of going on foreign service. The first commission then issued from the Treasury to Mr. Dowler, was when he went on foreign service to South America. and is dated the first of November 1806; that commission is still at the Treasury, Mr. Dowler never having

having called for it nor taken it out. On the 27th of July, I find a Letter* from my then colleague, Mr. Bourne, stating to the Commissary General that Mr. Dowler had been appointed an Assistant Commissary : this is all I can trace in the Treasury or in the other departments respecting this appointment. It may not be improper I should state to the committee, that I do find that, in consequence of the requisition of the Commissary General for this addition of five Commissaries made in June, there were appointed on the 18th of June a Mr. Stokes, on the same day a Mr. Green, on the 10th of July Mr. William Dowler, on the 25th Mr. Richard Hitt, and on the 26th Mr. Charles Pratt. It is not within my recollection at this moment, upon what recommendation or through whose application any one of those persons was appointed ; indeed, on looking over the list of the whole of the Commissaries appointed during Mr. Pitt's last administration, amounting to seventeen or eighteen, I find but two of whom I have any recollection ; whether I shall be able to find by the recollection of others who recommended them, I cannot say. I will only state further, that I am satisfied the channel through which he was recommended, whatever it may be, was one that did not give rise to any suspicion in any body connected with the Treasury at that time, that there was any improper influence employed ; and I can state that confidently for this reason, that it is the rule of the Treasury, if they have any reason to apprehend any such transaction, to direct the comptrollers to whom they refer the parties (and the Comptrollers have a power) to examine upon oath as to such a fact. I could produce proof, if that is necessary, of such an inquiry being directed within these six months as to a person in the Com-

* " Sir,

" Treasury Chambers, July 27th, 1805."

" I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you, that they have directed the Secretary at War to submit a Warrant to His Majesty for appointing William Dowler, Esq. to be an Assistant Commissary of Stores and Provisions to the forces, from the 10th instant, at the rate of 15s. a day.

" I am, &c.

" W. S. Bourne"

" Commissary General Sir Brook Watson."

missariat.

missariat. I merely state this, because not finding any reference to such an enquiry being directed, I am sure that no suspicion of any such circumstance was in the mind of any person connected with the Treasury. I have no recollection, nor do I know even now, of my own knowledge, through what quarter Mr. Manby was recommended. I have learned from a Right Honourable Friend of mine, who was then one of the Lords of the Treasury, that he was the person applied to, to mention Mr. Manby to Mr. Pitt. If I had been able to trace in the same manner respecting this Gentleman, I would have informed the Committee.

Mr. LONG wished to be allowed to state what he knew as to the appointment of Mr. Manby; but the House being impatient of any further delay, Mr. WARDLE moved that Mrs. Clarke be called to the Bar.

MRS. MARY ANN CLARKE was called in.

Some time elapsed before she came, and when at length she appeared, she seemed to be in great agitation, and sobbed violently.

The Chairman informed her, that if she had any complaint to make, the Committee was ready to hear it.

"I have been very much insulted. I knew I should be protected when I sent for the proper Gentleman. I sent for the Serjeant at Arms to conduct me in: it was before I got into the Lobby."

A chair was ordered, and being recovered from her apprehension, she was examined by the Committee as follows:

Mr. Wardle. Q: Did you know Colonel French?

A. Yes, I did.

Q. Do you recollect whether he applied to you in the year 1804, to use your influence with the Commander in Chief, to have a levy of men for the army?

A. He

A. He applied to me, but I cannot recollect the year.

Q. Do you recollect that he applied to you to use your influence with the Commander in Chief, to have a levy of men for the army?

A. Yes, I do.

Q. Do you recollect if Colonel French offered you any pecuniary advantages for using your influence?

A. Yes, I do; or I should not have mentioned his name.

Q. Do you recollect what those offers were?

A. No, I do not.

Q. Do you recollect any part of the offer that Colonel French made?

A. I have seen all the papers; but if I was to be guided by them I should not guess nearer the thing itself than from my own memory; I cannot recollect the time nor the conditions.

Q. Do you recollect that Colonel French entered into any conditions with you?

A. Yes, I do.

Q. Did those conditions imply, that you were to receive a pecuniary reward for your influence with the Commander in Chief?—A. Certainly.

Q. Did you, in consequence of this, apply to the Commander in Chief, and request that Colonel French might be allowed to have a levy?

A. Certainly.

Q. Did you state to the Commander in Chief, that you were to have any pecuniary advantages if Colonel French was allowed to have a levy?

A. Yes, certainly.

Q. Did the Commander in Chief promise you, after such application that Colonel French should have a levy?

A. Yes, he did.

Q. Did you, in consequence of Colonel French having such levy, receive any sums of money from him or any other person on that account?

A. Yes.

Q. Can you state any particular sums that were paid to you on that account, and by whom?

A. I recollect having one sum, but I cannot tell whether

ther it was Colonel French or Captain Sandon, of five hundred guineas, bank notes, making up the sum of guineas ; and I paid five hundred pounds of it on account to Birkett, for a service of plate, and his Royal Highness paid the remainder by his own bills : I fancy his Royal Highness told me so.

Q. Do you recollect any other sum or sums that you received ?

A. Yes, but I cannot speak to the amount of them. I fancy Mr. Dowler was by, when I received the money I paid for the plate.

Q. Do you recollect that either Colonel French or Captain Sandon applied to you to prevail upon the Commander in Chief, to make any alterations from the original terms of the levy ?

A. They teased me every day, and I always told his Royal Highness, or gave him Colonel French's notes ; but I cannot tell what it was about, for I never gave myself the trouble to read them. I was not aware of what they always asked me or wanted, but his Royal Highness always understood it, I believe.

Q. Do you recollect that during the progress of the levy any loan was to have been made to the Commander in Chief, by Colonel French ?

A. No, no loan by Colonel French.

Q. Do you recollect that any loan was to have been made to the Commander in Chief, arising out of the levy, or connected with the levy ?

A. Colonel French told me, that if His Royal Highness would pass the accounts which had been some time standing, and which Colonel French and his Agent had every reason to expect to have been passed before, and which were all very correct, he would accommodate him with 5,000*l.* upon proper security being given, at the regular interest.

Q. Did you speak to the Commander in chief upon this subject ?

A. Yes I did.

Q. State what further you know upon that point ?

A. I believe that His Royal Highness applied as far as was

was proper in him, and he could not command the money from the different offices, or the office where it was to be paid, and the thing dropped; he has no business whatever with money, and perhaps he was rather delicate on that subject of pressing, when he expected to receive the 5,000*l.* on loan, and where it might be publicly known afterwards.

Mr. Croker.—*Q.* How often have you seen Mr. Dowler since he arrived in England?

A. Once, and the other night, till he was called in here; I have not seen him since.

Q. Then you have seen Mr. Dowler but twice since his arrival in England?

A. Certainly not.

Q. Did you inform Colonel Warble of the details of the transaction relating to Colonel French's levy?

A. Yes, I did of some part; of the best part, but not of all that Mr. Dowler has mentioned, by what I saw by the papers; I have had no communication by note or otherwise with him, or any one connected with this business, since I left the House the other night; I have only seen two men since; General Clavering has called twice to-day, begging that he might not be brought forward, but I would not see him; and another Gentleman, whose name I will mention hereafter, and what he came upon.

Q. How long have you been acquainted with Mr. Dowler?

A. As I have seen the papers, it is almost useless to ask you that, because I might agree with him.

Q. How long have you been acquainted with Mr. Dowler?

A. Eight, nine, or ten years; I cannot say which.

Q. Have you not at various times received sums of money from Mr. Dowler?

A. Some few sums.

Q. Can you recollect the particulars of any of the sums, or the amount of the whole which you may have received from Mr. Dowler?

A. I can speak particularly as to receiving a thousand pounds for his situation.

Q. Was

Q. Was that 1009l. which you received for his situation, the last sum of money you received from Mr. Dowler?

A. No.

Q. Was it the first you had ever received from Mr. Dowler?

A. I cannot speak particularly as to that.

Q. Do you owe Mr. Dowler any money?

A. I never recollect my debts to Gentlemen.

Q. Do you owe Mr. Dowler any money?

A. I do not recollect, nor can recognize any debt to him.

Q. Have you not frequently recognized debts to Mr. Dowler, and promised to have them paid?

A. I only recollect one, where I had two or three carriages seized in execution, or something; I had nothing to go out of town in to Weybridge; I sent a note to Mr. Dowler's lodgings, and begged he would buy or procure me a carriage immediately; he did so in a few hours, and I told him His Royal Highness would pay him hereafter for it; His Royal Highness told me that he would do so for it, or he would recollect him in some way.

Q. Did you inform Mr. Dowler of that answer of His Royal Highness?

A. Yes, I did.

Q. Are you positive of that?—A. O, quite so.

Q. Try to recollect yourself, and answer positively, whether you were not in the habit of receiving money from Mr. Dowler prior to the money given for his appointment?

A. I am perfectly collected at present, and I cannot recollect any thing of that sort ever happening. I am very equal to answer any thing now which is asked me by this Honourable House.

Q. Do you recollect seeing Mr. Corri at your house on the 6th of January last?

A. I have seen him twice at my house.

Q. In the month of January?

A. I cannot recollect the month; it is not long since.

Q. Wha

Q. What other persons were at your house on the first occasion that you saw Mr. Corri?

A. I found Mr. Corri at my house one day, in consequence of a note I had sent to him to procure me a box at the Opera, to treat with my lawyer, Mr. Comrie, about one; it was very near dinner-time when I found him there; I could not do no less than ask him to dine with me; and afterwards he went up into the drawing-room; there was a gentleman, who was a relation of mine, who dined with us, and some young ladies.

Q. Were that gentleman and these young ladies the only persons with whom Mr. Corri was in company at your house on that day?

A. I believe one or two came in, in the course of the evening.

Q. Who were the one or two?

A. I do not at this moment recollect; if you will ask me exactly their names, and make the question pointed, I will answer it; they were my friends, no doubt; but I believe only one came in.

Q. Who was that one?—**A.** A friend.

Q. What was his name?

A. If you will tell me his name, I will tell you whether it was him or not.

[The Chairman informed the Witness that she must answer the question.]

A. It was Colonel Wardle.

Q. Was Colonel Wardle the only other person that came that evening?

A. And my relation.

Q. Do you recollect having received a second visit from Mr. Corri at your house some short time after this?

A. Yes; he brought two boys to sing to me.

Q. State the names of all the men who met Mr. Corri at your house that evening.

A. If I did so, I should not have a decent man call on me during the whole of this time.

[The Chairman informed the Witness she must answer the question.]

A. Am I obliged to answer this question? If I am, I do not wish to shelter myself.

[The Chairman informed the Witness, that it was her duty to answer the questions proposed to her.]

A. Must I, without appealing to you?

[CHAIRMAN.—If any improper questions are proposed, the Committee will take notice of them, and prevent their being put.]

A. No one has yet done that to me.

The witness was ordered to withdraw in consequence of her retorts, which had occasioned murmurs among the members.

Mr. WHITBREAD, however, observed that a general question like that put by the Hon. Gentleman, might cause the witness to hesitate, without meaning any disrespect to the House. He wished the Chairman therefore to be instructed to inform her on her return, "that she would be protected in any appeal to him when any question was put which she conceived it improper to answer."

Mr. CROKER remarked in answer, that the Hon. Gentleman seemed to have forgotten the question had been thrice repeated, and the witness had most improperly answered in an evasive manner. He had confined himself to two points, and not gone into general questions, and these points seemed very necessary from the stress laid by the House on a former evening on the persons present, when Mr. Corri visited Mrs. Clarke, and on the petition presented this evening, which had been cheered

cheered from the side where it came from. (*meaning the opposition.*)

Mr. WHITBREAD persisted that he meant the instruction as one of mere general regulation, without any farther notice of the present question than this—"that in a question of this general sort she might doubt whether she was obliged to answer, and might hesitate without meaning any disrespect to the house."

Mr. CROKER upon this appealed to the Committee, "whether he had not confined his questions to two particular occasions, and to points connected with the evidence which had been given the night before."

Sir THOMAS TURTON remarked, the Gentleman below, * had already explained, "that he did not mean to say, that the question ought not to be put. He had only desired that an instruction might be given to the witness on a matter of general regulation." Every witness had a right of appeal to the Judge, not only here, but every where else, and a most unfortunate situation it would be for witnesses, when they came before that House, unless this should be the case.

The CHAIRMAN declared, that he would be happy to receive the instruction of the Committee, but as the last question had not been objected to, and he himself thought it a proper question, he had desired the witness to answer it. He, therefore, begged to be instructed, whether the last question was to be answered?

Mr. WARDLE thought that he could state, what perhaps might settle this business, and spare the witness some pain. He had no wish to conceal any thing that could tend to throw light upon the case, as he would convince the Honourable Gentleman if he would retire with him. But it was possible that he might give pain to the individual, while he would gain nothing in fa-

* Mr. Whitbread.

YOUR

your of his object. Could he not at once name any individual at whom his question might point, and he would assist him if he wished it?

Mr. CROKER objected, and said, that he could not properly name any individual. There was a petition on the table from one who felt himself aggrieved, because his name had been introduced in this business, and this might be the case again.

Mr. FULLER offered himself to the attention of the House amidst cries of "*go on! go on!*" And it was some time before the House would hear him. He observed, that "If a married man was at Mrs. Clarke's house, he very much commended the feelings of the Honourable Gentleman, and the caution of the witness. He would protect her in it, for the greatest mischief might be produced by a disclosure. He thought the witness right, and would protect her in her caution. If she answered this question the names of married men, and men who had families might be divulged, and create great trouble and confusion."

The CHANCELLOR of the EXCHEQUER, suggested that when the witness was called in, she should be instructed as to two circumstances: for, if she was merely told that she had a right to appeal to the Chair, it might be taken as a sanction of the sort of conduct she had displayed at the bar, which, to say the best of it, he thought highly indecent. She ought to be informed, "first, that she must answer the last question; and then that she might appeal to the Chair when questions were put which she might think she was not obliged to answer."

Mr. WINDHAM could not but think that, if the Committee determined that the question ought to be answered, it must be answered. But the Committee could not see what object or end the Honourable Gentleman had in view. It was for the Honourable Gen-

* Mr. Wardle.

tleman

He himself to consider whether his question was necessary, that he might see that it was inconvenient. There was much justice in an Hon. Gentleman's remark * which had been not so much attended to as it deserved. It was not to protect the witness, but to prevent her from implicating others, that the answer would be dispensed with. He urged the Hon. Gentleman to consider if he could not get the information he wanted by a less general mode of questioning.

The CHAIRMAN asked " what he was to do?"

Mr. WHITBREAD said, " his wish was, that the witness should be told that she had a right to appeal to the Chair, and if the Honourable Gentleman persisted in his question that she must answer."

The ATTORNEY GENERAL interfered and observed, that the Chairman had distinctly told the witness, " that if any question was put which she ought not to be called upon to answer, the Committee would interfere."

Mr. CROKER said, he would pursue the course of examination he had begun ; for he could not conceive it improper to ask the names of persons who had been exhibited before a music master, and his two singing Boys.

[The Witness was again called in, and was informed by the Chairman, that if any question should be put, which she thought improper to be answered, she was at liberty to appeal to the Chairman, whether that question should be answered or not ; and that with respect to the last question put to her, the Committee expected that she should answer that directly or positively.]

Q. State the names of all the men who met Mr. Corri at your house that evening ?

A. Captain Thompson, Colonel Wardle, and a news-

* Mr. Fuller.

paper

paper man, whose name I really do not recollect ; I never saw him but twice before ; but he answered exactly to the description I read in the paper, as given by Mr. Corri ; I shall know it to-morrow ; it begins with Mac.

Q. Was the name Macallum ?* A. Yes.

Q. Did you represent any of those persons to Mr. Corri under a false name ?

A. No, I told him one was a Member, which was very true.

Q. You did not tell him that it was Mr. Mellish, a Member ?

A. No, it was his own mistake.

Q. Which of the three persons was it that you introduced to Mr. Corri, and represented as a Member ?

A. Mr. Wardle.

Q. Do you recollect in what sums you received the 1000l. that Mr. Dowler gave you for his place ?

A. Perfectly well.

Q. State them.

A. Two hundred pounds first, and 800l. afterwards, in one sum, which his Father came up to town to sell out of the Funds.

Q. Was not that 200l. paid to you before the Appointment had been obtained ?

A. A few days.

Q. You have stated, that you do not accurately recollect how long you have been acquainted with Mr. Dowler, whether eight or nine, or ten years ?

A. Exactly so.

Q. Cannot you recollect whether it was eight or ten years ?

A. No, I do not think I can.

Q. Were you acquainted with Mr. Dowler before you lived in Gloucester-place ?

A. Yes I was, some years.

* We understand that Mr. PIERRE FRANC. M'CALLUM, is the author of a pamphlet, entitled "*Observations on His Royal Highness the Duke of Kent's Persecution since his Return to Gibraltar, &c.*" He is said to be a native of one of the French West-India Colonies and wrote "*Travels in Trinidad.*"

A. Yes

Q. Were you acquainted with him before you lived in Tavistock-place?

A. Yes, I was.

Q. Did you never receive any money from Mr. Dowler while you were living in Tavistock-place? **A.** No.

Q. Do you recollect your ever having received any money before you received the 200l. part of the 1000l. from Mr. Dowler?

A. No, I do not recollect that I had.

Q. Do you recollect having received any money since the 1000l. except the money for the carriage?

A. I think once or twice I have, speaking from my recollection.

Q. Did you receive the money for the carriage, or did he pay for the carriage?

A. He paid for it, and he sent the carriage in within the space of two hours. He bought it of a Colonel Shipley.

Q. Did he pay for it?

A. Yes, certainly.

Q. He did not give you the money to pay for it, but paid for it himself?—**A.** Yes.

Q. Do you recollect any other sums of money you received from him subsequent to that respecting the carriage?

A. Only the other two sums of 800l. and 200l.

Q. Were they before the carriage or afterwards?

A. Before.

Q. Then are those the only three instances of your receiving money from Mr. Dowler, the 200l. and 800l. and the money for the carriage?

A. I cannot speak to any exact sum, but I think he has once or twice paid something for me to my housekeeper; when she has told him something that was distressing, he has given her money to pay for things, when His Royal Highness was not in the way; it has not come to my knowledge sometimes for a week afterwards; but those were marked things, the other incidental things.

Q. Was Mr. Dowler in the habit of seeing you very frequently?

A. Not

A. Not very frequently, but when he had lodgings in London; about the time of Colonel French's levy he was.

Q. Did you see Mr. Dowler after he came from examination at this bar, the last night of examination?

A. Not the last time he was examined, but before.

Q. Upon his retiring from the bar?

A. Never since.

Q. After his first examination here?

A. Yes, I did.

Q. Did any thing pass between you and Mr. Dowler respecting his examination, when he returned?

A. Certainly not about money concerns; he only mentioned to some Gentlemen who were present the conduct of one or two of the Members, who he thought harassed him very much, and put questions very distressing to his feelings on private occurrences, that had nothing to do with the question pending; it was a Mr. Bootle he was speaking of; that he would rather give (I think his expression was) every guinea he was worth, than be brought before such a place again.

Q. Did he state what he had been examined to?

A. He said he had been examined closely to his private concerns, he did not speak of any thing else; it was not to me, it was to this Gentleman, a stranger, one of the Members.

Q. Did you ask him what he had been examined to, or make any observations as to what had passed?

A. I asked him who had examined him.

Q. But not what he had been examined to?—**A.** No.

Lord Folkstone—Q. How long have you been acquainted with the Duke of York?

A. I believe it was 1803 when he first took me under his protection.

Q. Were you acquainted with the Duke of York before that period?

A. Yes, I was.

Q. At that period he took you more immediately under his protection; had you an establishment from that time?

A. No, I think it was from 1804 to 1806, that the establish-

establishment commenced only in Gloucester Place; we were in Park Lane before, in a furnished house.

Q. Had you any establishment of horses and carriages in Park Lane?

A. Only what belonged to myself.

Q. What number of carriages had you when you lived in Gloucester Place? A. I always had two.

Q. What number of horses?

A. About six; sometimes eight.

Q. What number of men servants?

A. I do not know, without I went over it.

Q. State the servants you had?

A. There was butler, coachman, postillion, groom, mostly a man cook, a gardener, and two footmen; from seven to nine, I do not know exactly.

Q. To whom did the house in which you lived belong?

A. To the Duke.

Q. Who paid the expences of the establishment?

A. I did.

Q. What allowance did you receive from the Duke of York for that purpose?

A. His Royal Highness promised me one thousand pounds to be paid monthly, but sometimes he could not make the payments good, which was the occasion of many distressing circumstances happening.

Q. Was it on the bare promise of one thousand pounds a year, that you mounted such an establishment as you have mentioned, and with the expectation of no other means of defraying it?

A. His Royal Highness did not tell me what he would give me till I was in it.

Q. When was it that his Royal Highness promised you one thousand pounds a year?

A. He began it by paying it to me.

Q. How long did he continue to pay it regularly?

A. Till almost the whole time that we were together in it; for three months before his Royal Highness left me, he never gave a guinea, though he was with me every day.

Q. How were the monthly payments made; by his Royal Highness's own hand, or by what other means?

A. His

A. His Royal Highness wished me to receive it from Greenwood; but I would not subject myself to that, although it would have been more punctually paid.

Q. How did you receive it?

A. From his Royal Highness.

Q. Did you ever receive more than at the rate of a thousand a-year from his Royal Highness?

A. His Royal Highness, if any thing unpleasant had happened, which was always happening, would sometimes contrive to get a little more, and bring me.

Q. Do you know what is the total amount of the sums you received from his Royal Highness, during the time you lived in Gloucester place?

A. Certainly not.

Q. Were the sums you received from his Royal Highness adequate to the payment of the expences of the establishment you kept up?

A. I convinced his Royal Highness that it did not more than pay the servants wages and their liveries.

Q. Did you state that to his Royal Highness?

A. Many times.

Q. What observation did he make in consequence?

A. I do not know that he made any observation on that; but after we had been intimate some time, he told me, that if I was clever, I should never ask him for money.

Q. Do you remember at what period it was that his Royal Highness made that observation?

A. No, I do not; but it was when he had great confidence in me.

Q. Was it before you removed to Gloucester Place?

A. Not till some time after.

Q. Can you at all state what was the amount of the annual expence of your establishment?

A. No.

Q. Pretty nearly?

A. Not the least; I cannot give a guess.

Q. You stated in a former part of your examination, that you were going to Weybridge; had you a house at Weybridge?

A. Yes.

Q. Was

Q. Was that your house or the Duke of York's?

A. It was the Duke's.

Q. Had you a separate establishment there, or did the establishment move from Gloucester Place to Weybridge, and from Weybridge to Gloucester Place?

A. There was a groom there and a gardener; and two maids; the remainder of the servants waited on me when I went; I was never there but from Saturdays till Mondays, and I always took four more servants with me, sometimes five.

Q. Did the sums of money you received in the monthly payments, and by occasional payments from the Duke of York, nearly cover the expence of your establishment?

A. If it had, I should never have been harrassed for money as I was during the whole time I was under his Royal Highness's protection.

Q. Do you know a person of the name of William Withers?

A. Yes, I do.

Q. What is he?

A. He is a Sheriff's Officer.

Q. How came you acquainted with him?

A. He had some business with me in his own way.

Q. Was it in consequence of your pecuniary distresses, that you became acquainted with William Withers?

A. No one would ever know a man of that description, but through that very thing.

Q. Did you ever enter into an agreement with William Withers, for participation in any sums of money which you might receive?

A. Never, nor ever hinted at such a thing.

Q. Do you recollect the first time you ever made application to the Duke of York for any thing connected with Army Promotions?

A. No, I do not; it was after I was in Gloucester Place.

Q. Were the applications you had to exert your influence with the Duke of York, numerous?

A. Very.

Q. Were

Q. Were those applications universally attended to by you?

A. Not always by me; if I thought they were not correct, nor proper to recommend, I mentioned it to his Royal Highness, and he told me who were proper and who were not, and then I could give my answer the next day, as from myself, whether I could listen to any thing or not; if they were improper, he told me to say I could not interfere, without saying that I had mentioned the matter to him.

Q. Did you uniformly inform the Duke of York of every application you had received?

A. Yes, and hundreds had been rejected but through his means, for I did not know who were proper or who were not.

Q. When you have received applications, did you entirely trust to your memory, or did you record them on paper?

A. If it was a single application, I trusted to memory and his Royal Highness, who has a very good one; but if there were many, I gave him a paper, not in my own writing.

Q. Gave him what paper?

A. Any paper that had been handed to me.

Q. Do you mean a list of the applications?

A. I recollect once a list, a very long one, but only once.

Q. Do you recollect how many names were upon that list?

A. No, I do not.

Q. Do you recollect when that list was existing?

A. No, I do not; but I know that that must have been a little time before Colonel Tucker, who is lately dead, was made Major Tucker; there were two brothers of them.

Q. For what reason do you know that it must have been before Colonel Tucker was created a Major?

A. His Royal Highness had promised that he should be in the Saturday's Gazette, and one day, coming to dinner, a few days before, he told me Tucker had behaved very ill, for that Greenwood had him, and to inquire into it,

it, for that he had come to play with me, and perhaps to make a talk; that he was not serious in the business. I inquired into it, and found it was so; and his Royal Highness said, that Sir David Baird had recommended him. That was the answer that Greenwood gave to it. But when I gave his Royal Highness that list, that is, when he took it, with the number of names upon it, he asked me what I meant by it; if I wanted those men promoted; and if I knew any of them or not, and who recommended them? I told him, I did not know any one, and that what I meant by it, being in his way, was for him to notice them. He said that he would do it; that there were a great number of names, and that if I knew any thing at all of military business; I must know it was totally impossible for him to do it all at once, but that he would do it by degrees; that every one should be noticed by degrees: and among those was Captain Tucker.

Q. Is that list in existence now?

A. No, his Royal Highness took it away with him that morning; and, from that moment, I knew in what way I might have his sanction to go on. I saw it some time after in his private pocket-book.

Q. Is that the only list that was ever made out by you?

A. I did not make it out, some one gave it me; that was the longest list, and the only list that I recollect; I never gave him any other list, I am sure. There might have been two names down.

Q. Were you in the habit of making out a list to refresh your own memory?

A. No; their friends always took care of that.

Q. Do you mean, that you used to receive the names of the applicants in writing?

A. I have had letters, hundreds upon hundreds.

Q. What do you mean by stating, that their friends took care of that, in your last answer but one?

A. They expected the thing should be done immediately, and used to tease me with letters.

Q. Do you recollect any other names, except that of Captain Tucker, in the list you have referred to?

A. I believe so, but I would not mention the name of
No. VII. X any

any man who had behaved well to me, on any account. His Royal Highness did not promote the whole of that list.

Q. Your acquaintance with William Withers, you have stated, was owing to some pecuniary embarrassments of yours; in what way were those embarrassments satisfied?

A. I gave him two bills on my Mother for three hundred pounds each, and that satisfied those things; I never gave him any thing, nor spoke to him on any thing relating to military business.

Honourable Mr. Yorke. *Q.* Do you recollect from whom you received the list you have spoken of?

A. I think, from Captain Sandon or Mr. Donovan; but Mr. Donovan is quite prepared to deny it.

Q. Can you state positively whether you received it from Captain Sandon or Mr. Donovan?

A. No, I cannot, they were connected in some way or other together.

Mr. Fuller. *Q.* Have any questions been read to you by any individual whatever, as such questions as would be asked you in this House?

A. No, never.

Sir G. Warrender. *Q.* You have mentioned having received various sums of money from Mr. Dowler, and in particular two sums of two hundred pounds and eight hundred pounds; state upon what consideration those sums were received?

A. It was for Mr. Dowler's Appointment, but previous to that he was not to have paid me money.

Q. To what Appointment do you allude?

A. In the Commissariat; Assistant Commissary.

Q. Whom did you apply to for that Appointment for Mr. Dowler?

A. His Royal Highness.

Q. From whom was it notified to you, that that Appointment had been made?

A. His Royal Highness; he told me that he had spoken to Mr. Charles Long upon it, and it was settled at last; that there had been some little difference in the Prince's regiment, that Mr. Manby was obliged to leave it, and his Royal Highness promised to the Prince of Wales to give something

something to Manby, and to seem very civil to him, he must gazette him before Mr. Dowler; but before Mr. Dowler proposed to give him the money for the situation, I fancy he was to have procured some votes for the Defence Bill; I think it was something like that name; Mr. Pitt was very ill at the time, and I think it was something of that sort mentioned; however, Mr. Dowler could not bring forward the number of voters that I had given the list of to the Duke, seventeen I think, and there were very few of them came; but I recollect one gentleman, General Clavering, got up, from Scotland, Lord John Campbell; and although Lord Lorn would have voted with Mr. Pitt, and of course his brother would have gone the same way, (but he was not in London) still it was considered that it was a great favour bringing up Lord John from Scotland; he was the only man that I recollect, and that was through my means; I had a few more friends besides, but it dropped: Mr. Dowler could not bring the men forwards, some of them were in the Opposition. His Royal Highness told me he gave the list to Mr. Charles Long, and he was delighted with it.

Q. You have used an expression relative to Captain Tucker, that Greenwood *had* him; explain what you meant by that expression?

A. I do not know, I never enquired further into it; I was very angry that the man should be only laughing with me; it was his Royal Highness's expression, not mine; but I am almost certain that Captain Sandon knows him, and about it, though perhaps he will not own to it.

Lord Falkstone. Q. Were you in the habit of shewing to the Duke of York the letters which contained the applications to you for influence?

A. Yes, I was; but I did not trouble him with all, not many, upon the same subject; if a man wrote one letter first, I might shew him that, but if he wrote me ten more, I might not trouble his Royal Highness with those: they frequently used to call, and wait for answers while his Royal Highness was there, though they did not pretend to know he was there.

Q. Then if those letters contained an offer of money to
X 2 you

you for the exertion of your influence, his Royal Highness must have been aware of it?

A. He was aware of every thing that I did, but I never was very indelicate with him upon those points.

Q. Did you shew to his Royal Highness letters containing such offers, as well as letters that did not contain them?

A. Yes, I did.

Sir James Hall. Q. On the first day of your examination, you stated, that a bill of two hundred pounds, which you received from Mr. Knight, was sent from your house to be changed by a servant of his Royal Highness; how do you know it was taken by a servant of his Royal Highness, and not one of your own servants?

A. I believe that I did not state that it was his Royal Highness's servant who took it, but that his Royal Highness had something to do with the changing that note; and on Saturday or Monday morning; I do not recollect which it was, when it was raining very hard, I believe it was Monday, I heard where my butler lived, and I went into York-place, and sent my footman to fetch him out; he came out, without previous knowledge of who called upon him, and I asked whether he recollected any thing particular the evening that his Royal Highness was going to Weymouth, and myself in the morning to Worthing; he asked me to what point, I said about a bank note; he said, Perfectly well; he had been trying all over the neighbourhood to get change for a note, that it was a very large note, he supposed a fifty pound note, that he came into the parlour and said he could not get change for it, and then his Royal Highness said, "Do go to my wine merchant's, in Bond street, Stephens's Hotel, and get change, and tell them where you come from;" that on this fine night he had called at Byfield's, the confectioner's, and tried there, and they could not do it; and that he went and saw Stephens's partner; it being very late Stephens was not there, that he got change for it there, and that was the whole. But I told him he must come and speak about it, that a summons would be sent to him, and would it hurt him with respect to his master and mistress, his being examined;

amined ; and he told me they would not be angry, he supposed, for it was lady Winterton's son he lived with, and he supposed Lady Winterton would not be against it. I spoke to him the other night in the room, I do not know whether before he was examined or afterwards, and he told me that he had called at Stephens's in Bond-street, and that they would not give him any information about the note, which I believe he did not state in the House.

Here, upon the suggestion of Mr. Wardle, the witness was desired to withdraw.

Mr. WARDLE then rose and stated to the Committee, that, just before he came down to the House, Pierson, Mrs. Clarke's butler, in Gloucester Place, had called upon him and told him, that since his examination he recollected having taken out a Note to be changed the night before the Duke of York went out of town, by the direction of the Duke of York and Mrs. Clarke, which direction was given him in the drawing-room. He asked Pierson why he had not stated this at the bar. The reply was, that he was subject to dreadful head-achs, and that when he was at the bar, he was labouring under one of them, by which his memory was much impaired at the time. He then put a question to Pierson, who spoke of having changed the note at some Wine Merchant's in Bond Street. He mentioned this subject to the Committee, because he felt himself placed in a delicate situation, with respect to it, and he was anxious that Pierson should be called to the bar, in the course of the proceedings, and re-examined.

Mrs. Clarke was then again called in, and her examination continued.

Q. You have stated that you recommended Mr. Dowler

to his Royal Highness the Duke of York; in what character did you represent him to the Duke of York?

A. As a gentleman.

Q. Did you represent him as a friend or relation of your own?

A. Never as a relation, as a friend.

Q. In recommending him to the Duke of York, did you mention that you were to have any, and what sum, in case he was appointed to the Commissariat?

A. His Royal Highness knew that I was to have a sum, for I told him that old Mr. Dowler had come up to sell it out of the funds.

Q. Did you communicate, at the time, to the Duke of York, that you were to receive any, and what sum?

A. I cannot exactly say to that; but I told his Royal Highness, that he would behave more liberally to me than any other person for the same appointment.

Q. Are you quite sure of that?

A. Quite.

Q. Did you ever hear Mr. Dowler say that he was acquainted with Sir Brook Watson, the Commissary General?

A. No further than that he knew him personally, or in the city; and I told his Royal Highness of it, that Mr. Dowler knew a little of Sir Brook Watson, and he said, that is a very good thing; but I believe Sir Brook Watson is dead; and I cannot make use of the expression that his Royal Highness then did about him.

Q. Are you quite sure that Mr. Dowler did not represent to you, that he or his Father had some interest with Sir Brook Watson?

A. No, he never told me that he had particularly; he told me that Sir Brook Watson did not like him, for his Father's way of voting, if I recollect right; I mean the city voting.

Mr. Lockhart.—Q. Did you ever receive a list of names for promotion from any other person than Captain Huxley Sandon and Mr. Denovan?

A. I never received such a long list from any one, nor such a list; I never received more than two or three names; this

this I had for two or three days; it was pinned up at the head of my bed, and his Royal Highness took it down.

Q. If you received any list containing two or three names, from whom did you receive such list?

A. It will be seen, by the witnesses that have already been examined, that there were a great many sorts of agents or people that used to come and ask me things about them, and I cannot recollect; and I believe I got into very bad hands, or it would never have been exposed as it is now.

Q. Cannot you recollect the name of any one person who gave you a list?

A. I have mentioned the name of Captain Sandon and Mr. Donovan; and there was a lady with Mr. Donovan the other night, in the room, which brought many things to my recollection, perhaps she can speak to something; she is an Officer's widow, and, I believe, quite in the habit of military intrigue.

Q. Did you ever circulate a list of Prices of Commissions?

A. No, I never did, that did not belong to me, I never did it; I have seen such a thing, I saw it in Cobbet, but it is not true.

Q. What is the name of the lady you have just mentioned, the officer's widow?

A. She was with Mr. Donovan the other night; I used to see her very frequently; I have not seen her these three years; I do not recollect her name at present, I shall think of it presently, she is an Irish lady. I have received a letter this instant, which has exceedingly interested me, begging me that I would not go on, or to that effect; but I would wish the Gentlemen here to ask Colonel Mac Mahon, that my character may not appear so very black as it does at present; I would wish the house to inquire of Colonel Mac Mahon, if he thought I made any improper propositions, or any thing unjust, to the Duke of York. I wish them to ask only of Colonel Mac Mahon, what were my propositions to the Duke of York, and to inquire into all the particulars respecting the message of which he was the bearer; I am exceedingly sorry to expose him so, but
here

Here I have this instant received a letter, in which my feelings are greatly interested, begging of me not to go on.

Sir James Graham. Q. Have you any objection to deliver in the letter you have received?

A. I have received one before; I will, perhaps, in a few days, but not to night; I have hardly read it over.

[The Chairman informed the Witness, that it was the pleasure of the Committee that she should produce the letter she had just received.]

Q. When did you receive that letter, where did you receive it, and from whom?

A. I received it at this door.

Q. On the outside of the door?

A. This instant, when I went out.

Q. From whom?

A. I believe one of the Messengers.

[The Witness delivered in the letter, and it was read.]

"Madam,

"Westminster Hall, Thursday Night,
Eight o'Clock."

"I am most anxiously desirous to see you to-night.

"The lateness of the hour will be no difficulty with me.

"It is I trust quite unnecessary to observe, that business alone is my reason for expressing by this solicitude in so earnest a way; or that if you think a more unreserved communication might take place at Westbourne Place, I would be there at your own hour to-night.

"To what this particularly refers you may have some guess, but it would be highly improper to glance at it upon paper.

"I will deliver this to one of the Messengers, who will convey to me your answer; or if your feelings at all accord with mine, you will not perhaps think it too much trouble to write two notes, one to the care of the Messenger who delivers this, the other addressed for me at the Exchequer Coffee-House, Westminster-Hall.—Believe me,

"Madam,

"Most sincerely your Friend,

"Wm. Williams."

"P. S. I

"P. S. I have tried two or three Members to deliver this, but they are afraid some injurious suspicion might attach.

"I hope you will not attribute my hasty manner to negligence or disrespect."

Q. Is this the letter that so much interested you?

A. Yes, it is.

Q. Is this the letter that desired you not to go on?

A. In my opinion it is, from what occurred yesterday.

Q. What do you allude to as having occurred yesterday?

A. A letter came to me yesterday from the same Gentleman, and I could not exactly make out what it was or what he meant by it; he said he had seen me at the play one night, in company with Lord Lennox and Sir Robert Peate, about two months since, and that he took the liberty of addressing a letter to me to grant him an interview; I sent down my servant to say I was at home to him; this was the Gentleman whom I alluded to as being the only one I had seen since I quitted this place. When he came into the drawing room yesterday, he asked me whether there was any one in the back room; I said upon my word and honour not; but I told him as my character now seemed so much hacked about with every one, I would open the door and convince him, which I did; he then began to question me how I felt towards the Duke of York, if I had any revenge, or if I had any wishes that His Royal Highness had not satisfied, and if any thing would induce me now to abandon the country with my children, and take all the blame on my own shoulder; that no sum whatever would be backward if I would say that I would, as my character now had been so very much with the public, it could not be worse if I would take it upon myself and abandon my country with my children, and I should be provided for for life in the handsomest manner possible; that he had no authority from the Duke of York, but it was the Duke's friends.

[The Witness was directed to withdraw,

Mr. BRAND: "I entreat the pardon of the Committee for this interruption—[Here the witness withdrew]

drew]—but I beg to press upon their attention the urgent necessity of not losing one moment in securing the attendance at the bar of the writer of this letter.”

Upon the universal approbation which this suggestion received the CHANCELLOR of the EXCHEQUER said, “ When first this letter was read, it was my intention to have moved that the person—

[Here the cry of “ *Move! move!—Lock the doors!—Let nobody out!—Bar! Bar!*—became so loud and general, that it was impossible for the Right Honourable Gentleman to proceed.]

The House immediately resumed.

The SPEAKER then stated, that according to the regular mode of proceeding it was competent to the House to order the Serjeant at Arms to take any man into custody, whether within or without the House

[The Right Honourable Gentleman was proceeding, when the Serjeant at Arms appeared at the Bar, and announced that Mr. Williams was in custody.]

[The Chairman was directed to report progress, and ask leave to sit again. After a short time the Committee was again resumed.]

Mr. WILLIAM WILLIAMS was brought in, in the Custody of the Serjeant at Arms.

Chancellor of the Exchequer. Q. Is that your hand writing?

A. This is my hand writing, and I delivered that letter myself to the Door keeper.

Q. Will you inform the Committee who and what you are?

A. I am a Clergyman.

Q. Where do you live?

A. Am I bound to answer that question?

[The

[The Chairman informed the Witness he must answer the question.]

I have some personal reasons for not doing so; reasons applicable to me personally, to my private affairs.

[The Chairman informed the Witness he was bound to answer the question.]

My place of residence is now at No. 17, Somers Place East, in the New Road, -near Somers Town.

Q. You have seen this Letter which you delivered to the Door keeper; of course you are acquainted with the contents of it?

A. I suppose the letter in your hand to be the same which was put into my hand just now; I am acquainted with it, having written it within this hour.

Q. What was the business on which you wished to see Mrs. Clarke?

A. I had business with her; I am sure I do not know how decorously to answer this question, but it has no reference to the examination now going on before this House.

Q. Were you at Mrs. Clark's house yesterday?

A. Not yesterday, the day before.

Q. What passed upon that occasion?

A. The whole is not exactly in my recollection; I believe I was near an hour there.

Q. State as much as you can of what passed upon that occasion:

A. I am taken somewhat by surprise, but I will, as nearly I can recollect; it had some general reference to the transaction that is now investigating before this House.

Q. State the substance of it?

A. She asked me if I had seen the Newspaper; I replied in the negative; she then related to me part of what I have since seen in the Newspapers, that she was fatigued after many hours waiting here; I believe that was the substance of what she related.

Q. Are

Q. Are you certain that it was the day before yesterday you had this communication?

A. It was the morning after she was examined here; if I answer the question confusedly, I hope you will not be surprised at it, for I am a little surprised at finding myself here; this is the substance as far as related to any thing else that had reference to our acquaintance: I mentioned some persons that we were acquainted with, and as to their health, and matters, not, I think, worth relating to the House; if you wish I will refresh my memory, and state the minutiae.

Q. Did you state any thing to Mrs. Clarke as to the course of the examination hereafter to be pursued upon this business?

A. I do not recollect that I did.

Q. Did you give Mrs. Clarke any advice as to what she had best do upon this subject?

A. I spoke, I believe, something to this effect, that it would be well and proper for her to be cautious.

Q. Was that all?

A. I believe I added, what every body is aware of, the high connexions of the Personage whose conduct is now under your investigation, and that of course I reiterated what I had said before, that caution, I thought, would very much become her.

Q. Did you advise Mrs. Clarke to get out of the way?

A. I never did.

Q. You are quite certain that you did not give her any advice of that sort?

A. I did not.

Q. Did you represent, that you came from any of the friends of the Duke of York?

A. I did not, I spoke ambiguously, but I did not give her any such intimation whatever.

Q. What do you mean by saying you spoke ambiguously?

A. I spoke the sentiments of my own mind and my own cogitations upon that subject, not having any intimation from any individual in the world.

Q. For what purpose did you go to Mrs. Clarke upon that day?

A. I

A. I suppose I may be allowed to pause a moment or two before I answer that question, because it involves a variety of circumstances that now press upon my mind.

[The Witness paused for some time.]

Among other things, I thought that the confidential intercourse that must have passed between her and the Person, whose name perhaps I am not at liberty to mention, might have given her opportunities of observing upon his conduct in moments of unreserved communication, and that to introduce matters of that sort before this House would excite certainly his personal resentment as well as the indignation of his family; and that whatever promises might be held out to her would probably not, in the event, be found sufficient to protect her from the resentment that they probably might conceive it was right at some time to exercise upon her: I suppose I have said enough to convey to the House my sentiments; and to expect of me minutely to detail all that passed in that conversation, would be, I think, an unreasonable expectation.

Q. Did you advise Mrs. Clarke to go out of the Kingdom with her children?

A. I did not.

Q. And that they should be provided for; did you make any promise to her?

A. I made no promise to her whatever.

Q. Did any body advise you to go to Mrs. Clarke?

A. It was a suggestion of my own mind.

Q. Had you been acquainted with Mrs. Clarke before?

A. Very little.

Q. How long had you been acquainted with her?

A. Precisely I cannot say; perhaps two months.

Q. Where had you seen her before?

A. At the Opera House.

Q. Had you seen her any where else but at the Opera House?—A. No.

Q. Had you any conversation with her at the Opera House?—A. No.

Q. Were you introduced to her there?

A. I might be said to be introduced; it was rather casual;
No. VIII, Y fual;

that; it was in the presence of persons known to us both.

Q. How long ago was this?

A. About two months ago.

Q. Who were the persons present?

A. Lord Lennox and Sir Robert Peate. I beg leave to add, that I had not been directed or instructed, or requested to address Mrs. Clarke, on this or any other subject, by any person whatever; and after mentioning the names of those two Gentlemen, I think it very hard they should be implicated in this which has taken me by surprise.

Q. What led you to come here this afternoon?

A. I was extremely anxious to see Mrs. Clarke.

Q. For what purpose?

A. If I am positively bound to answer that question at the peril of imprisonment, of course it must be answered; to whom am I to address myself for an answer to that question.

[The Chairman informed the Witness, that it was the pleasure of the Committee that the question should be answered.]

My reason was, to attempt, if I could, to persuade her from that ironical, sarcastic, witty animadversion that sometimes had fallen from her, with reference to the Person that I before alluded to.

Q. Was that the object with which you wrote this letter?

A. That was one of the objects.

Q. What other object had you?

A. I will answer particularly afterwards; generally, I will say it was with a view that was by no means adverse to the Person whose conduct is now under investigation, but just on the contrary; and therefore I am more surprised at the harsh manner in which I have been treated.

Q. State what your other object was in writing this letter to Mrs. Clarke?

A. I thought that if I had an opportunity of seeing her before the appointment that I had to-morrow morning with an agent of his Royal Highness, that probably I might

might suggest to her something to prevent those things that did not serve to elucidate the investigation now going on, but to excite the inveteracy of those Personages to whom I before alluded.

Q. Who is that Agent?

A. Mr. Lowten.

Q. Who made the appointment with you?

A. By agreement, I addressed Mr. Lowten first, and afterwards the appointment was made.

Q. For what purpose did you address Mr. Lowten?

A. For the purpose I have given to the House before.

Q. Did you apply to Mr. Lowten by writing, or address him verbally?

A. I had spoken to two or three Members of this House upon this subject.

Q. Name them?

A. Mr. Adam and Colonel Gordon; the other waived it entirely, I am unwilling to mention him; it is Colonel M'Mahon, if I am desired to mention him.

Q. Did you apply to Mr. Lowten personally or by letter?

A. I was desired by two of the Gentlemen whom I have named; Colonel M'Mahon conceived of this very differently from what many Members of this House do: they thanked me for the communication; he does not conceive of any hostility to his Royal Highness in the communication, but just the contrary. If there is any thing culpable in my conduct, I am amenable to the censure of the House, and am willing to abide by it; but I do not know that gentleman acts decorously to me, in making me the subject of personal merriment and ridicule.

Q. Was it by personal address or by writing you made the appointment with Mr. Lowten?

A. I hesitated whether I should speak to Mr. Lowten or not, and when I spoke to Mr. Adam I declined it; but coming here with this letter, I met Mr. Lowten, within these two hours, and then I addressed him.

Q. What did you say to Mr. Lowten?

A. I knew Mr. Lowten officially, and no otherwise; I understood that he holds an office; indeed I have seen him in the exercise of his office in the Court of King's Bench.

Q. What did you say to him ?

A. I told him that I had spoken to the gentlemen (I believe that was pretty near the commencement of my conversation with him) whom I have recently named, Mr. Adam and Colonel Gordon; and I told him also that they declined, and seemed apprehensive; they seemed to think there was a delicacy and difficulty in it, which inclined them to have nothing to do with it; they advised me to communicate to him, and when I met him I took the liberty to address myself to him.

Q. Did you tell Mr. Lowten the nature of the subject which you had to communicate to him ?

A. I said (I did think I expressly guarded what I had to say with this observation) that I had no message from Mrs. Clarke, or any communication, directly or indirectly, to make from her.

Q. What did you say you had to communicate to Mr. Lowten ?

A. I said I thought, as matter of opinion arising out of my own mind, that it was possible, I do not know how I expressed it, but I meant to convey to prevent her going into that irrelevant matter, and I believe the observation I made was this, that it was impossible for any man in an unreserved communication of four years, not in some period of that length of time to have said and done those things which the House of Commons had very little to do with.

Q. Was it upon that communication to Mr. Lowten, that he made an appointment with you to come to him to-morrow morning ?

A. I recollect no other.

Q. What did you tell Mr. Lowten you had to say to him on the subject on which you were to speak to him to-morrow morning ?

A. I have told you this moment that was the subject I had to speak upon.

Q. To prevent Mrs. Clarke going into irrelevant matter ?

A. Certainly, that was the main object.

Q. How were you to prevent it by going to Mr. Lowten ?

A. Certainly,

A. Certainly this is a question I am not prepared exactly to answer; I am not sure that I could prevent it at all, and the means must arise out of the circumstances.

Q. What did you mean to propose to Mr. Lowten as the means by which Mrs. Clarke's examination might be in any degree altered?

A. I am sure I do not know exactly what I should have said to Mr. Lowten to-morrow morning, but what I should have said to him would have arisen out of the circumstances, and probably out of the communication I should have had with Mrs. Clarke to-night; and it was for that purpose that I expressed so anxious a wish to see her, as I conveyed in that letter that is laid upon the Table.

Q. What did you expect would arise between Mrs. Clarke and yourself to-night, which you expected would enable you to make a communication with effect to Mr. Lowten to-morrow?

A. I do not know whether I may not be allowed to go a little into explanation, and not to answer sententially and immediately, but in an intercourse and friendship of four years much might have passed that it would be proper to suppress.

Q. What did you expect would arise between Mrs. Clarke and yourself to-night, which you expected would enable you to make a communication with effect to Mr. Lowten to-morrow?

A. If it is intended by these questions that I should — It is impossible, I do not know how to answer the question, I have not the capacity, I do not understand it.

Q. What did you expect would arise between Mrs. Clarke and yourself to-night, which you expected would enable you to make a communication with effect to Mr. Lowten to-morrow?

A. I confess, standing here as I do, that if an inquiry of this sort was going on upon my own subject, there are many things already which have transpired which I should be sorry should transpire, and which have nothing to do with a political question; that is the only way I can answer it.

Q. How was it to affect the communication with Mr. Lowten

Lowten to-morrow in consequence of your seeing Mrs. Clarke to-night?

A. I did not certainly intend to interfere, or to prevent the inquiry, or to smother the inquiry, or to advise her to suppress any information that has reference to the investigation now going on before the House; but I did think, that if I could persuade her to avoid those sort of witticisms to which I alluded before, and those sort of observations.— If the Gentlemen wish me to answer this question in such a way as to prove I have been guilty of a breach of the privilege of this House, I cannot do that; I know the deference due to this House, and am willing to treat it with proper deference. May I take the liberty to make one more observation of the law of evidence?

[The Chairman informed the Witness that he was not called to the bar to make observations, but to give evidence.]

Then may I take the liberty of asking, whether I am bound to give that sort of evidence that would criminate myself, and is not this leading to it?

Q. Had you written the Letter at the time you saw Mr. Lowten?

A. No, I wrote the letter subsequently; it arose out of the conversation I had with him. As a matter of humanity I address myself to the Chair, with reference to the Chancellor of the Exchequer, whether, as a lawyer, taken by surprise as I am, it is right to propose questions to me, that if they were answered would criminate me.

Q. Do you refuse to answer these questions which are put to you, under the fear that they will criminate yourself?

A. No, I do not, upon my honour.

[The Witness was taken from Bar.]

Mr. FITZGERALD considered, that it was inconsistent with the dignity of the House any longer to prosecute the examination of such a witness.

Mr.

Mr. KENRICK thought it necessary to state, for the information of the House, some circumstances which had come to his knowledge with regard to the witness who had just been at the Bar. In consequence of some inquiry, he learned that the letter on the table had been delivered by a Mr. William Williams; that he was informed Mr. Williams had been twice tried at Westminster Hall and Guildhall, and had also been for some time perplexing Mr. Jones the Marshall of the King's Bench, claiming a relationship with him.

WILLIAM ADAM, Esq.

attending in his place, made the following statement :

Many persons have desired to see me, since the commencement of this business, who have not sent any name; and I have given orders, to let nobody in, who did not send in their names. This gentleman called yesterday, about five o'clock, I think, or a little after five: he sent in no name, but a gentleman wished to see me. I desired to have the name, and I thought the name given in, was Williamson; I had seen a gentleman of the name of Williamson, in the morning, a Clergyman of Shefford, in Bedfordshire, and I believed it to be the same person; I went into the hall to him, to the outer door; I found it to be a different person; and this gentleman who has just been at the bar, addressed me, and said he had something to communicate, respecting this business that was proceeding in Parliament; I said I could hear nothing from him; he seemed extremely anxious to state something; I stopped him, and told him if he had any facts or circumstances to state, Mr. Lowten was employed as his Royal Highness's Solicitor, and he might go to him, and desire an appointment;

pointment ; he left the house ; and that was all that passed.

JOHN McMAHON, Esq.

a Member of the House, attending in his place, made the following statement :

To my extreme astonishment, I found my name alluded to by the Lady who has just been examined at the bar ; I cannot tell for what possible purpose she has alluded to me ; I have nothing to offer to this Committee, that has the least relevance, or can throw the smallest light upon any subject whatever, that the Honourable Gentleman has brought before the consideration of this House. In consequence of an anonymous note that was written to his Royal Highness the Prince of Wales, promising very important communications, I did, at the command of the Prince, lightly as he treated the note, nevertheless call at No. 14, Bedford Row, Russell Square, where the note was dated from. Upon going there, the woman who opened the door, and from whom I thought I saw much that told me she had put that note, into the penny post or the two-penny post herself, I asked her the name of the Lady of the house, that I wanted to see ; she desired me to tell my name ; I told her I could give her no name, but produced the note, which she immediately remembered to have put into the two-penny post, and said it was written by her Mistress. I was then conducted into the house, into a parlour, where certainly there were a great many of those morocco concerns, which she has mentioned before, for there were ten chairs I think set round the table, from the supper or the dinner of the day before ; after remaining some time, I was conducted up stairs, where I saw the lady, whose

whose name I was told to be Farquhar. The lady in perfect good humour came out, and received me; and I held the note I was possessed with, as my credentials, for her communicating whatever she might think fit to tell a third person, not pressing her to any communication which she ought not to give to me. She told me, that she would communicate nothing to a third person; I then told her that it was impossible I could hold up any expectation of an interview with such a person as the one to whom that letter was addressed, unless she gave me some clue, or some plausible pretence for it, and that I had no idle curiosity to gratify. She then entered into a conversation of so general and so extraordinary a nature, that I am confident this House would not for one moment entertain it, because the tendency and intention of it was to make bad blood between two illustrious Brothers, whose affections could never be shaken by any such representation, at least, I am confident, that the illustrious Person I have the pride and glory to serve and love, would be incapable. She then told me she would shew me letters to prove and to establish, that there was a hatred on one part to the other; I declined seeing any letters; she then said, I would commit those letters to you, for the perusal of the illustrious Personage; to which I, as my bounden duty and firm conviction, said, if they were lying at his feet, he would scorn to look at one of them. In this interview, at first, I stated that I thought she was a friend of Mrs. Clarke; she said, Certainly she knew Mrs. Clarke extremely intimately, that there was nobody she loved and regarded as she did Mrs. Clarke; that she perfectly knew her. She then asked me if I knew Mrs. Clarke; I said I do not. "Do you know her, Sir, by person?" I said, I believed not. "Do you know her by character?" Yes, said I, her fame is very celebrated; and I have heard

heard of Mrs. Clarke, but know nothing of her myself. She asked me then what I knew; I said, it certainly was not to her advantage; but I had heard the Duke of York had been very generous to her, and that she had not been very grateful on her part; but that was only from information I had received. She then proceeded to state, what I throw myself on the consideration of the House, as it might be the effect of passion, and appeared to me a disposition to gratify her revenge by representations that I do not think the House would for a moment permit me to expose, when it went to a tendency of making bad blood between two Brothers. We then proceeded. I soon after said, "I am speaking to Mrs. Clarke herself." I thought so, from several things she told me, that I wish not to repeat: I said, "I am confident I am addressing myself to Mrs. Clarke herself." She laughed, and said, "I am Mrs. Clarke." I then begged her a thousand pardons for the portrait I had drawn; but disclaimed being the painter. "I am sure you are not, for it was Adam and Greenwood that gave you my character." We then proceeded, till she made a statement, that I have no hesitation in declaring to this Committee did, in its statement, appear such as I could, with honour and character entertain and listen to; that, under every compassionate feeling and sentiment, I felt no indisposition to listen to and entertain. She stated to me, that Mr. Adam had called upon her, and in a very firm, but steady manner, told her, that the Duke of York was determined to separate from her; but that if she retired into the country, and conducted herself with propriety and decorum, he would allow her four hundred pounds a year; that she had accordingly so retired into Devonshire for several months, but failing to receive the remittances she expected, she had

had been driven to town for the purpose of gaining her arrear, and placing her annuity upon a more regular mode of payment; that if that condition was complied with, by the payment of her arrear, and of securing the punctuality of it to her in future, his Royal Highness should never hear any more about her. Upon the fairness of this statement, supposing it to be true, (I do not pretend to say what my opinion of it was) I said, if your statement, Mrs. Clarke, is correct and orthodox, I will certainly wait upon Mr. Adam, and state it to him, to know where the objection lies to the payment of your annuity. That was in the month of July last. Mr. Adam had gone, two days after I saw Mrs. Clarke into Scotland, and had not returned when I came back to London in October, therefore I never saw him but at the persuasion of Mrs. Clarke, by a letter she wrote to me, she saying that his Royal Highness was prepared to hear what I had to say, as she had told it to him. I had the honour of waiting upon the Duke of York, and telling his Royal Highness exactly what she had stated, not pretending to vouch for its veracity in any shape whatever. His Royal Highness's immediate and prompt answer to me was, her conduct is so abominable, that I will hear nothing at all about her. Any thing I could possibly offer after what I have now said would be superfluous; there is the conclusion, that is the epilogue of any thing I have to state; and as to any question thought proper by the Honourable Gentleman, or any circumstances he has cited or remarked upon, I am as ignorant as a man unborn.—With regard to the Gentleman who has this moment been at your Bar, I did receive a letter from him last night, which I have in my pocket, and will deliver, if it is the pleasure of the House, to which I have certainly wrote him a civil answer:

answer : I said I was obliged to him for his attention, but that I had no interference in the question before the House, and that I never would directly or indirectly have any interference with it.

[Colonel M'Mahon delivered in the letter, and it was read.]

" Sir,

" I have this moment left Mrs. Clarke, and I think there are parts of the conversation I have had with her, any confidential friend of the Duke of York's would be solicitous to know.

" If you are of that number, you perhaps would choose to see me; or, if not, refer me to some one immediately you think would.

" I hope you will not attribute the hasty manner of this confused address to intentional want of decorum, for on the contrary, with the sincerest sentiments of gratitude, and very great respect,

" I am, Sir,

" Your most obliged, humble and obedient Servant,
Wm. Williams."

" Richard's Hotel, near 4 o'clock,
Wednesday."

" I understood you was going to ride; I have therefore directed the Porter, if possible, to find you."

" Col. M'Mahon."

COLONEL GORDON was called in, and
Examined by the Committee as follows :

Q. Have you seen a man of the name of Williams?

A. I have.

Q. Did he say any thing to you upon the subject of this Inquiry?

A. I will state to the House exactly what he did say: About four o'clock this evening I was at the Chancellor of the Exchequer's on business, and on withdrawing a servant of Mr. Perceval's told me that a Gentleman was in such a room, and desired to see me. I was shewn into the room, and I there saw a person whom to my recollection I never saw before. He addressed me as follows: " Never having had the honour, Sir, of being introduced to Colonel Gordon, I am not certain that I am now speaking to him; are

are you Colonel Gordon?" I said, Sir, that is ~~my name~~. He had said, Sir, I have been desirous of making a confidential communication to the Duke of York upon the business now before the House, and to that purpose I addressed a letter to Colonel M'Mahon yesterday. Colonel M'Mahon wrote me an answer (I think he said a civil answer) declining any interference whatever. I have addressed myself this morning to Mr. Adam, and he declined it also. Now, Sir, if you are of the same way of thinking as those Gentlemen, it is needless for me to enter upon the business. I said I am entirely of that way of thinking, Sir. He said, my object is to make a communication to the Duke of York, of a conversation I had with Mrs. Clarke (I think he said the day before yesterday or yesterday, I will not be quite certain about that) and I think it very desirable that the examination which she is to undergo this evening should be suppressed. I told him that I declined making any communication whatever, and that I was not in the habit of making any confidential communication to the Duke of York, but what arose out of my official situation, and my words were these: I recommend you, Sir, to go to Mr. Lowten, he will advise you, and advise you well. I then withdrew, for the purpose of going out of the room, and it occurred to me I might as well ask him his name, and I addressed him in these words: Pray, Sir, do me the favour to give me your name. He hesitated at that, and told me he had told it to Mr. Adam. I repeated my question, I beg, Sir, to ask your name; he said, Sir, my name then is Williams. I think I am correct in what I say. He walked out of the room, and I thought it necessary to call Mr. Perceval, and told him word for word what I have now had the honour of repeating to the House.

The Witness was directed to withdraw.

The Right Honourable CHARLES LONG, a Member of the House, attending in his place, made the following Statement:

I have been very anxious to say a word to the Committee, in consequence of the manner in which
No. VIII. Z my

my name has been mentioned by Mrs. Clarke, and have only been prevented doing so, in consequence of the interruption that has taken place in her examination. She stated that his Royal Highness the Duke of York had mentioned to her, that he had mentioned Mr. Dowler's name to me for an appointment in the Commissariat, and that in consequence of that I had said it should be settled immediately. Upon that I have to state, that to the best of my recollection his Royal Highness never mentioned the name of Mr. Dowler to me upon any occasion whatever, nor do I recollect having heard his name, until I saw that Gentleman at the Bar of this House. The other point upon which my name was also alluded to, it is hardly necessary, perhaps, I should explain; but I have only to say upon that, that Mrs. Clarke has stated, that his Royal Highness had also said that he had shewn a list of seventeen Members of this House who would vote with Mr. Pitt in case this appointment took place, and that I was very much delighted with the list; if I had seen any such list, I dare say I should have been very much delighted with it, as it was represented that a number of Gentlemen of that side of the House were likely to have voted upon that question with those with whom I generally act; but I have only to say, that neither upon that occasion, as connected with the appointment of Mr. Dowler, nor any other, did his Royal Highness ever shew me any such list.

Mr. C. Wynne. Q. In the year 1805, were any appointments made to the Commissariat through you, by his Royal Highness's recommendation?

A. I remember particularly the recommendation of the Duke of York being made through me to Mr. Pitt, for the appointment of Mr. Manby to the Commissariat early in the year 1805; his Royal Highness the Duke of York mentioned to me, that great disputes prevailed amongst several

several of the Officers of the 10th Regiment of the Light Dragoons, and that the Paymaster, Mr. Manby, was very much involved in those disputes, he thought; that all the officers, I think he said, were a good deal to blame, as well as I recollect, and that he was quite sure that the animosity that subsisted would never be done away while Mr. Manby remained Paymaster of that Regiment; he said, that he did not think that any thing that had come to his knowledge impeached the integrity of Mr. Manby, but that he wished him to be removed to some other situation in which his talents were adapted. About the same period, an honourable Member of this House, one of the Members for the county of Surrey, who represented himself, I think, as a relation of Mr. Manby's, stated also to me, that some appointment might be found for Mr. Manby, and that he should quit the regiment. I mentioned, as I was desired, to Mr. Pitt, both what had been stated by his Royal Highness the Duke of York, and what had been stated also by the honourable Member to whom I have alluded, Mr. Sumner; and, in consequence of that, he was appointed an Assistant Commissary.

Q. Did you, about that time, receive any other recommendation of the Duke of York's for the Commissariat Department?

A. None whatever, that I recollect.

Mr. SUMNER confirmed the statement of Mr. Long, with regard to his application in favour of Mr. Manby, adding that he was certain the existence of the animosity or dissention alluded to in the 10th Dragoons, was not to be attributed to any misconduct on the part of that Gentleman, although he had happened to fall under the displeasure of the Prince of Wales.

Mrs. MARY ANN CLARKE was called in again, and examined by the Committee, as follows:

Q. What first gave you the idea that it was possible to procure money by disposal of Commissions in the Army?

Z 2

A. By

A. By persons applying to me; and I found that his Royal Highness was very ready to oblige me when I asked him.

Q. Do you recollect having desired Mr. Corri to burn any letters or papers that were in his possession?

A. Yes, I do.

Q. Was that desire expressed by letter or by word of mouth?

A. By word of mouth.

Q. When was that desire expressed?

A. I cannot speak as to the time, but I believe some piece of work had happened publicly; I forget upon what occasion, whether it was about Lord Melville's trial, or what, something or another that way.

Q. Do you recollect having made use of these expressions, that there would be a terrible noise about it, and the Duke would be very angry?

A. It is very likely I did; I dare say I did.

Q. What did you mean by those expressions, in case you did use them?

A. That he would be very angry with me for being incautious.

Q. You have stated, that you only received a thousand a year from the Duke of York; had you credit with the Duke's tradesmen?—**A.** No.

Q. You have stated, that you received money for procuring a Commission for Mr. Dowler and a Letter of Service for Colonel French; was money paid to you before you made applications to the Duke upon either of those accounts?—**A.** No.

Q. Had you a promise of money?—**A.** Yes.

Q. When you made the application to the Duke, did you state to him that you had a promise of pecuniary reward?

A. I stated the whole case of Mr. Dowler.

Q. Do you recollect to have had any negotiation respecting other promotions, entirely disconnected with the Military department?

A. If you will point out what those things were, I will answer to it.

Mr

Mr. Sheridan. Q. Had you any negotiation or money transactions respecting promotions in the Church?

A. I never received any;—but a Dr. O'Meara applied to me; he wanted to be a bishop; he is very well known in Ireland.

Q. Are you confident you never had any application or negotiation for any other preferment in the church, but this of Dr. O'Meara?

A. Yes, lately.

Q. State what those applications were?

A. I hardly gave myself time to read them, as I have no interest now.

Q. For what rank of promotion were those applications made?

A. Something about a deanery or a bishoprick.

Q. Through what channel were the persons applying led to believe you were to promote their wishes?

A. I do not know; I believe still the Duke of York, they thought.

Q. Those applications were since the connection between yourself and the Duke of York had ceased?—A. Yes.

Q. Did you state the name of any other great illustrious person to those persons so applying, or any agent applying on their behalf?

A. No, certainly not.

Q. Do you recollect the name of any person who applied for those church preferments?

A. Is it wished the gentleman who wrote to me, or the gentleman who wanted the step in the church.

Q. Both?

A. Those are some of the letters that Colonel Wardle ran off with, that relate to them.

The Chancellor of the Exchequer. Q. State the names of any persons who applied for those church preferments?

A. The gentleman is determined to deny it; I have just been speaking to him now upon that subject.

Q. What is his name?—A. Donovan.

Q. On whose behalf did Mr. Donovan apply to you?

A. I do not know; he talks a great deal about Dr. Glasse, and a great many other Doctors; but it was not for Dr. Glasse that the appointment was wished.

Q. For whom was it that the appointment was wished?

A. I cannot recollect the name; but it is in those letters that Colonel Wardle has, I think.

Q. How do you know that Mr. Donovan means to deny this fact; of having made this application to you for church preferment?

A. I do not know that he means to deny about the church preferment; but he means to deny it altogether; and I never did prefer any one to the church.

Q. Did you ever receive a letter from Mr. Donovan, telling you to be very quick in your application to the Duke of York, or perhaps some other illustrious person would interfere with him, and get the preferment; and who was that illustrious person?

A. I believe the person who takes almost all the patronage of the church in England, he alluded to, or who is entitled to it, as being the first Female Personage in England; but Colonel Wardle told me he would never bring that name forward, or that letter.

Q. Did you ever receive a letter from Mr. Donovan, telling you to be very quick in your application to the Duke of York, or perhaps some other illustrious Person would interfere with him, and get the preferment?

A. Yes, I received such a letter.

Q. Did you ever communicate Dr. O'Meara's offer for a bishoprick to the Commander in Chief?

A. Yes, I did, and all his documents.

Q. What was the Commander in Chief's answer?

A. That he had preached before his Majesty, and his Majesty did not like the O in his name. I never mentioned that till this moment, except to the Doctor himself.

Q. Did Dr. O'Meara specify any particular sum; and what was that sum?

A. I think that gentleman must be a friend of his, and he must know better than I do, and he may recollect perhaps.

Q. Did Dr. O'Meara specify any particular sum?

A. I forget; and I have burnt almost all my papers: I might recollect, but not at this moment.

Q. Do

Q. Do you recollect at what time Dr. O'Meara made this application?

A. In 1805, the very night that the Duke was going to Weymouth; he called upon me the moment the Duke had left the house, between twelve and one o'clock; I think he watched his Royal Highness out, as he had seen that his horses were waiting in Portman Square, and then he came in just as I was upon the stairs, and said it was a very good opportunity, for he was going to Weymouth immediately, and asked me to come down stairs again, and write him a letter of introduction to his Royal Highness, and I did so.

Honourable Mr. Lyttleton. **Q.** You have said you had no credit with the Duke's tradesmen; do you mean to say that the Duke did not pay any of your tradesmen's bills?

A. I do not recollect that ever he did, except one to a milliner.

Sir G. Warrender. **Q.** You have stated, that the Duke of York had paid several sums of money in addition to the thousand a year, upon various occasions; do you still adhere to that statement?

A. He paid one thousand three hundred pounds to the silversmith, to balance from what I had paid; I do not recollect any thing at present but that.

Q. Did not the Duke of York pay several other considerable sums, besides the one thousand pounds a year, during your residence in Gloucester Place?

A. He paid for one landau, and that is all I can recollect at all.

Q. Are you positive that you can recollect no other sums being paid for you by his Royal Highness?

A. I cannot recollect one except those.

Q. What was the amount of your debts at the separation from his Royal Highness?

A. Something under two thousand pounds. I sent in to him the next day by Mr. Comrie; but I found them to be more, upon examination.

Q. Did you understand, when you were asked whether the Duke of York had paid any other sums besides the one thousand pounds a year, that the question applied to sums paid

paid to tradesmen; if so, state now whether you received yourself any sums from the Duke of York besides the one thousand pounds a year?

A. I do not recollect any.

Q. For what period did you reside in Gloucester Place?

A. I should think about two years and a half, or three years.

Q. During the two years and a half or three years you lived at Gloucester Place and Weybridge, was the Duke of York well acquainted with the extent of your establishment?

A. Certainly; never a day passed without his being there, except the time that he went to the King.

Q. On whom was the Court Martial, on which you stated on a former evening that you had been a Witness?

A. On Captain Thompson.

[The Witness was directed to withdraw.]

Mr. WHITBREAD rose in consequence of the assertion of Mrs. Clarke in the beginning of the evening (that she had been insulted and abused in coming into the House of Commons,) to move, "that the Serjeant at Arms be ordered to attend the Witnesses to and from the House of Commons, to protect them from any insult or injury that might be offered to them in obeying the orders of that House." He said, whatever might be the character, the morals, or the line of life pursued by the witness who had been before the House, that there was a certain deference and respect due to the sex which should not be violated on any occasion, least of all on her entrance into that House.

Mr. SHERIDAN "felt it his duty to object to the motion of his Honourable Friend, for two reasons, first that he did not wish it should appear that it was necessary to make any such order; secondly, that on the most accurate inquiry into the business, he understood

understood that no insult whatever was offered the witness in the course of the evening."

Mr. WHITBREAD considered it sufficient, "when a witness stated the occurrence of any impediment, for the Committee to call upon the proper officer to prevent any similar repetition."

Mr. MELLISH then informed the Committee, upon enquiry he had learned from the Serjeant at Arms, that Mrs. Clarke would not leave her carriage until the officer went to her. He did so, in compliance with her wishes, and handed her to the bar of the House.

Mr. ADAM could not go the length of believing that tumult existed, because the last witness asserted it. To put the question however, beyond dispute, he moved that the Serjeant at Arms should be examined on the fact."

JOHN CLEMENTSON, Esquire,
the Deputy Serjeant at Arms, was examined by the
Committee, as follows:

Q. State to the Committee what you know relative to the coming of Mrs. Clarke to the House, and her passage from her carriage up to the door.

A. I directed the Messengers, when Mrs. Clarke was ordered to be called in, to go to her; it was some time before they could find her; I directed them to go to the different Coffee houses; and at last learnt that she was waiting in her carriage close to the House of Commons. She sent me a message by a Messenger, stating that she had been insulted, and she would not get out of her carriage till I came for her. Immediately I went down. When I got there, I saw seven or eight people, or a dozen people, I do not think more; her carriage door was opened, and she was handed out, and not a word passed. I took a constable with me, and brought her up to the House.
There

There was not a word said to her all the way I came with her here.

Q. Was not there a considerable crowd in the passages leading to the House?

A. Yes, there were several people, a great many servants, they were standing on one side; there was quite room enough for us to pass.

Q. Did any of those persons insult her?

A. Not a word passed, to my knowledge.

Q. Who was the messenger whom you sent for her?

A. His name is Skelton.

Q. He was sent by you for Mrs. Clarke?—A. Yes.

[The Witness was directed to withdraw.]

Mr. BRAND submitted to the Committee, that no contradiction existed between the statement of Mrs. Clarke and the Serjeant at Arms, relative to the interruption she had received in her progress to the House. He therefore thought it becoming the dignity of the Committee, to interfere for the protection of its privileges.

Mr. WHITBREAD wished to be understood, as by no means casting any imputation on the Serjeant at Arms.

The CHANCELLOR of the EXCHEQUER now wished the Honourable Member* to call another of his witnesses.

Miss MARY ANN TAYLOR was called in, and examined by the Committee, as follows:

Mr. Wardle. Q. Were you in the habit of visiting in Gloucester Place, when Mrs. Clarke was under the protection of the Duke of York?

A. Very frequently.

Q. Did you ever hear the Duke of York speak to Mrs. Clarke respecting Colonel French and his levy?

Mr. Wardle.

A. Once

Engraved by H. Wood, from a sketch by Bostonians

Miss Taylor

Published by J. Streetford at Boston 1838 March 6th 1838

A. Once only.

Q. Relate what passed at that time?

A. The Duke's words were, as nearly as I can recollect, I am continually worried by Colonel French—he worries me continually about the levy business, and is always wanting something more in his own favour. Turning to Mrs. Clarke, I think he said, "How does he behave to you, Darling?" or some such kind words as he used to use; that was all that was said.

Q. Do you recollect any thing further passing than what you have stated?

A. Mrs. Clarke replied, "Middling, not very well." That was all that she said.

Q. Was that the whole of the conversation?—A. No.

Q. Relate the rest?

A. The Duke said, "Master French must mind what he is about, or I shall cut up him and his levy too." That was the expression he used.

Attorney General. Q. How long have you known Mrs. Clarke?

A. Ten years.

Q. Have you known her no longer than ten years?

A. I do not exactly recollect, it may be something more.

Q. Where did you first become acquainted with her?

A. At a house at Bayswater, near the Gravel Pit.

Q. Where do you live yourself?

A. At Chelsea.

Q. With whom did you live at Bayswater?

A. With my parents.

Q. What are your parents?

A. My Father was a Gentleman.

Q. Do you live with your Father now?—A. No.

Q. Is your Father living?—A. Yes.

Q. Is your Mother living?—A. Yes.

Q. Do you live with your Mother?—A. No.

Q. Are you married?—A. No.

Q. With whom do you live?

A. My Sister.

Q. What is your Sister's name?—A. Sarah.

Q. Is

Q. Is she a married woman or a single woman?

A. Single.

Q. Where do you live?—A. Chelsea.

Q. In lodgings or as housekeepers?

A. Housekeepers.

Q. Are you of any profession?

A. If a boarding school be a profession.

Q. In what part of Bayswater did Mrs. Clarke live when you knew her there?

A. It is called Craven Place, within two doors of our house.

Q. Who lived with her?

A. Her Husband, when I first knew her.

Q. Have you known any one living with her since?

A. His Royal Highness the Duke of York.

Q. Have you known no man live with her but his Royal Highness, since her Husband lived with her?

A. Not to my knowledge.

Q. Have you seen much of her; have you been intimately acquainted with her?—A. Yes.

Q. You are not related to her, are you?

A. My Brother is married to her Sister.

Q. Did you know her when she lived at Tavistock Place?

A. Yes.

Q. Did her Husband live with her there?

A. I never saw him there, I understood she lived with her Mother there.

Q. What time passed between her leaving her Husband and her living with the Duke of York?

A. I cannot recollect.

Q. About how many years?

A. I do not know that.

Q. How long ago did you know her at Bayswater?

A. Somewhat about ten years; I cannot say exactly.

Q. Had not her Husband left her before she left Bayswater?

A. I do not know.

Q. Do you mean to say, you do not know whether Mrs. Clarke's Husband had left her before she left Bayswater?—A. Yes.

Q. What

Q. What was her Husband?

A. I always understood he was a man of some fortune.

Q. Do you not know that he had only an annuity of fifty pounds a year, which was paid him weekly?

A. I never heard such a thing.

Q. Did you ever see him with Mrs. Clarke, during the latter part of her stay at Bayswater?—A. No.

Q. During the latter part of the time Mrs. Clarke staid at Bayswater, you never saw her Husband, Mr. Clarke, there?

A. I do not recollect that I did.

Q. Where did Mrs. Clarke go from Bayswater?

A. I do not recollect.

Q. Do you remember her in Park Lane?

A. She called upon me one day, and said she was in Park Lane.

Q. Were you in her house, at Tavistock Place, often?

A. Yes.

Q. Did you live with her there?

A. I never lived with her at all.

Q. You never slept in the house?

A. Yes, frequently.

Q. Do you know that any one lived with her but her Husband at that time?—A. No.

Q. You took her to be a modest, decent woman, whilst she lived in Tavistock Place?

A. She lived with her Mother, as I thought, and I knew nothing to the contrary.

Q. What is your Father's name?

A. The same as mine.

Q. Taylor?—A. Yes.

Q. What is his Christian name?—A. Thomas.

Q. Where does he live now?

A. I had rather be excused answering.

[The Witness was directed to withdraw.

[The Witness was again called in, and the question was proposed.]

A. I do not know.

Q. Do you mean that your credit should rest upon the

No. VIII.

A a

veracity

veracity of that answer, that you do not know where your Father lives ?

A. I do not exactly understand the question.

[The Witness was directed to withdraw.]

LORD FOLKSTONE stated his opinion to the House, that the witness ought not to be compelled, as there might possibly be circumstances attending the disclosure of this question, which might prove injurious to the witness's father, nor could he conceive that any material benefit would result to the present inquiry from the disclosure of this circumstance.

The **ATTORNEY GENERAL** in answer, defended the propriety of his examination. "A person was produced, of whom no person knew any thing, unless that she was the sister-in-law of a very questionable witness. In such a case was not inquiry into the character and connexions of such a witness necessary? Would not much of her character for credit, depend upon a knowledge of the situation of life in which herself and her connections moved? He by no means insinuated, that poverty or humility of life were to be construed into objections against the validity of statements, where the persons making them had uniformly supported a good character; but he had still a right to contend that when persons wholly unknown, except by the good accounts they gave of themselves, were brought forward upon serious inquiries, he or any other Member had a right to inquire into every circumstance of their previous life, and of their connexions."

General STEWART begged to say a few words, which were, "that if there was one Member who took up more of the time of the Committee by numerous questions, it was the Noble Lord * opposite.

* **LORD FOLKSTONE.**

Lord

LORD FOLKSTONE. If he had taken up the time of the Committee unnecessarily, he would feel extreme regret. At the same time that he could not surrender his own opinion, that the Attorney General's examination did not at all bear upon the point: Indeed, from his own observations, it was obvious that the only thing he pretended to know about that witness he could not know, namely, that she was the sister-in-law of Mrs. Clarke, as he asserted, but which she denied.

SIR G. WARRENDER supported the propriety of the questions put by his Noble Friend * — "they were, in his opinion, of the most vital importance."

MR. SHERIDAN trusted "that unless the Attorney General felt the absolute necessity of the question, he would not trespass on the private feelings of the witness by continuing to press it."

MR. BRAND. Upon reflection, there may be circumstances of real and serious difficulties, where it would be inconsistent with the best feelings of the heart, and a violation of parental duty, not to deny the residence of a father. The question may be a legal one, but he trusted, other motives of equal urgency would operate on the Chancellor of the Exchequer not to press it.

The **CHANCELLOR** of the **EXCHEQUER** conceived, that the Honourable Gentleman had assumed difficulties, which he had no right to do. He could only attribute the disinclination of the witness to state certain circumstances, to her anxiety to evade that discovery, which would be fatal to the credit of her testimony.

MR. WILBERFORCE expressed a strong objection to the manner in which the question was put, "it appeared like brow-beating the witness. He by no

* LORD FOLKSTONE.

means attributed such an intention to his Right Honourable Friend; although not a system, it may be contracted from legal habits. He recommended that the answer of the witness should be left to the opinion which the Committee would subsequently pronounce."

Mr. KENRICK also stated, that he had heard from another person, that the person to whom the question referred, had been arrested within a few hours.

Mr. YORKE, differed in opinion, and thought it utterly impossible to carry on the inquiry, unless such questions were pointedly answered; the truth could never be found out, and the obloquy under which the Duke of York had fallen, by a combination of some of the most abandoned characters, could not be as easily removed, if the witness was permitted to evade answering a question, which in his judgment was fair and reasonable."

Mr. SIMEON did not see any reasonable objection to the answering of the question, and therefore trusted the Committee would not relax.

[The Witness was again called in.]

Q. Do you mean seriously upon reflection to abide by your answer, that you do not know where your Father lives?—A. Yes.

Q. How long is it since you have seen him?

A. About a fortnight.

Q. Do you know where he was living when you saw him last?

A. At Chelsea.

Q. In what street at Chelsea?

A. I beg leave to decline answering that question.

Q. What reason have you for declining answering that question?

A. I do not like to tell to so large an assembly where I live.

Q. Were

Q. Were you living with your Father ?

A. Some time ago.

Q. A fortnight ago were you living with your Father ?

A. He did not live with me, he had just come from the country.

Q. Was he living at Chelsea ?

A. He staid two or three days with me.

Q. Where had he been living in the country before he came to you ?

A. He had been going about different parts; I do not know where.

Q. Is he of any business ?—A. No.

Q. What objection have you, who keep a boarding school, to tell this House where you live, particularly ?

A. I have answered that just now.

Q. Will you repeat it ?

A. I did not wish to inform so large an assembly of my residence.

Q. What reason have you for wishing to conceal where you live from so large an assembly ?

A. They will find I am poor, and doubt my veracity.

Chancellor of the Exchequer. Q. You may be assured your veracity will not be doubted on account of your poverty; state to the House where you live, and what street in Chelsea you live in ?

A. Cheyne Row.

Q. What Number ?—A. No. 8.

Attorney General. Q. Do you keep a boarding school at that place ?

A. I and my sister do.

Q. Was any body present besides yourself at the conversation which you alledge to have passed between the Duke of York and Mrs. Clarke, respecting Colonel French ?

A. No.

Q. Did you often see the Duke of York in company with Mrs. Clarke ?—A. Yes.

Q. How often may you have seen him ?

A. I do not recollect; seldom three weeks passed that I did not.

Q. How long have you kept a boarding school ?

A a 3

A. Two

A. Two years.

Q. At the same place?—**A.** No.

Q. Where before?

A. At Kentish Town.

Q. What part of Kentish Town; what street?

A. It had no name.

Q. Can you tell what Number?

A. No, it has neither a Number, nor had the place a name; there were but two houses.

Q. Did you keep that boarding school under the name of Taylor?—**A.** Yes.

Q. Where did your Father live at that time?

A. I beg to be excused answering any questions concerning my Father.

Q. Where did your Father live at that time?

A. He lived with me during part of the time there.

Q. How long have you lived at Chelsea?

A. Last Michaelmas twelvemonth.

Q. How long had you lived at Kentish Town?

A. Not above three quarters of a year.

Q. While you were at Kentish Town, where did your Father live, when he was not with you?

A. I had rather not answer that question.

Q. While you were at Kentish Town, where did your Father live, when he was not with you?

A. I must appeal to the indulgence of the Chairman.

[The Chairman informed the Witness that there appeared no reasonable objection to her answering the question, and that therefore it was the pleasure of the Committee that she should answer it.]

A. I cannot recollect just now.

Q. Why did you wish to be excused answering that question, when you only did not recollect where it was that your Father lived?

A. For that reason.

Q. How long ago is it that you heard the conversation
you

you have been speaking of, between his Royal Highness and Mrs. Clarke?

A. I cannot say exactly.

Q. As nearly as you can?

A. During Mrs. Clarke's residence in Gloucester Place.

Q. Where did you live then?

A. We moved, about that time, but I do not recollect whether that circumstance happened afterwards or before.

Q. From what place to what place did you move?

A. From Bayswater to Islington.

Q. Did your Father live with you at Bayswater, at the time you removed to Islington?—A. Yes.

Q. Did he live with you at Islington?—A. Yes.

Q. Where did you live at Islington?

A. Dolby Terrace.

Q. Do you recollect what Number?—A. No. 5.

Q. What business did your Father carry on then?

A. None.

Q. Has your Father never carried on any business?

A. No.

Q. What business was Mr. Clarke?

A. I never heard that he was of any business.

Q. How long did you live at Islington?

A. A little more than a year.

Q. Was that before you went to Kentish Town?

A. Immediately preceding it.

Q. You lived at Kentish Town about three quarters of a year?—A. Exactly.

Q. Do you know Mr. Wardle?—A. Yes.

Q. How long have you known him?

A. Not more than two or three months.

Q. Have you known him two or three months?

A. Yes.

Q. At whose request do you attend here to night?

A. At the request of Mrs. Clarke.

Q. Did you ever see Mr. Dowler at Mrs. Clarke's house at Gloucester Place?—A. Yes.

Q. Did you ever see Mr. Dowler in the same room with his Royal Highness the Duke of York and Mrs. Clarke?

A. Never.

Q. Were

Q. Were you ever told by Mrs. Clarke, that she had represented Mr. Dowler to the Duke of York as Mrs. Clarke's brother?—A. Never.

Q. Do you believe that your Father's affairs are in a state of embarrassment?—A. Yes.

Q. Do you know Mr. Williams, a Clergyman, of Kentish Town?

A. I never heard his name.

Q. Have you always kept a boarding school at your different residences?

A. At Kentish Town, and at Chelsea.

Q. How many scholars have you now?

A. About twelve.

Q. How long did you reside at Kentish Town?

A. Three quarters of a year.

Q. Did you remove immediately from Islington to Kentish Town?—A. Yes.

Q. How long did you reside at Islington?

A. More than a twelvemonth.

Q. How much more than a twelvemonth.

A. Seven or eight months.

Q. The conversation that you have stated you heard to take place between the Duke of York and Mrs. Clarke, you stated to have passed about the time you removed from Bayswater to Islington; is that correct?

A. Yes, it must have been about that time.

Q. Was it about that time?

A. I cannot say exactly.

Q. Upon recollection, can you recal to your mind any circumstances which will induce you to believe that it was about that time?—A. No.

Q. Then, do you state that without any precise recollection upon the subject?

A. Only by guess.

Lord Folkstone. Q. Do you recollect ever seeing Colonel French in Gloucester Place?

A. I have heard him announced; but I cannot say that I was introduced to him.

Mr. Beresford. Q. What is the age of your youngest scholar?—A. Seven.

[The Witness was directed to withdraw.

Mr.

Mr. DANIEL SUTTON, Deputy Judge Advocate of the Essex District, was called in, and examined by the Committee, as follows :

Chairman. Do you recollect Mr. Clarke being at Captain Thompson's Court Martial, at Colchester ?

A. I do.

Q. State to the Committee what passed relative to her being put down a widow ?

A. In consequence of my having been directed to summon Mrs. Clarke to appear to give evidence before the Court Martial that was sitting, on charges preferred against Captain Thompson, I applied to Captain Thompson's solicitor, a Mr. Smithies, and desired he would send to me the Christian as well as the surname and description of Mrs. Clarke. Mr. Smithies delivered to me the description upon paper ; and, as near as I can recollect, her name was Mary Ann Clarke, of Loughton Lodge, in the County of Essex, widow. In consequence of the description so given to me, by Mr. Smithies, I entered it upon the Minutes of the Court, and administered the oath which I usually administered to Witnesses, and then having read the charges to Mrs. Clarke, she then answered the questions which were put by Lieutenant Colonel Fane, who was the prosecutor ; was afterwards examined upon questions submitted by Mr. Smithies, who was concerned for Captain Thompson, and then upon questions that were asked her by different Members of the Court. I have a recollection, I think of Mr. Smithies, having communicated to me, she was not examined the first day she was summoned, in consequence of a Witness, of the name of Maltby, who had been under examination for a considerable time. I think Mr. Smithies communicated to me some delicacy Mrs. Clarke had, as to the appearance before the Court, and as to questions that might be put to her ; and I told him, that she need not be under any apprehensions, for no improper questions should be put to her ; if she answered the interrogatories of the Prosecutor and the Court, she need be under no apprehensions as to any disagreeable questions, which she seemed to apprehend might be put to her ; and she

she subsequently answered every question that was put; and, upon that particular charge, Captain Thompson was afterwards honourably acquitted.

Q. Did she herself state herself to be a widow; or was she asked, or did any conversation pass between yourself and her, upon that subject?

A. I really am not quite sure; I saw Mrs. Clarke once or twice previous to her examination that day, in order to communicate to her that she must stop. and Mr. Smithies requested me to step to The Cups, where he was, to let him have the proceedings, to prepare Captain Thompson's defence; I rather think it was Mr. Smithies, for I perfectly remember, which is usual where the Assistant Adjutant General of the district does not deliver me the list of the Witnesses, but where they come from the Solicitor of the party, that he will deliver to me the name and description, and I rather think it was in consequence of what he said to me.

Q. You do not recollect asking her the question whether she was a widow or not?

A. Upon my word I do not recollect whether I did.

Q. You do not recollect any conversation that passed relative to her situation; her wishing to avoid publicity?

A. I do not recollect the particulars, but I do recollect, either before or after the time Mr. Smithies asked me to step down to the Inn, with the papers, that she said she was in a very delicate situation, and alluded to her situation; I do not recollect that she mentioned the particular person under whose protection she was, but she alluded to it, and I understood from general report what she meant.

Q. Was she particularly described as a widow, or did she answer to the interrogatory whether she was or was not a widow?

A. She answered to no interrogatory upon that subject, it is not the practice for Witnesses at Courts Martial to answer to such interrogatories, unless they are specifically put; the name and description is put down, and then the charges read; then the oath is administered, and then the question put.

Mr.

Mr. Beresford. Q. Do you recollect any evidence that came forward at that Court Martial, relative to a Bill of Exchange?

A. Yes I do, Mrs. Clarke was examined, and gave evidence upon two Bills of Exchange.

The Witness was directed to withdraw.

Mr. ABERCROMBY opposed the question, because as it was in the power of the Committee to provide the best possible evidence, "namely, the proceedings of the Court Martial itself, without depending on any hearsay testimony."

Mr. CANNING did not consider that the Committee "were so strictly bound by the rules of evidence, as to preclude the Honourable Gentleman from putting the question to the witness. By such a course, a leading object was obtained by the Committee, namely, celerity in its proceedings."

Mr. WILLIAMS WYNNE insisted "that it was the uniform usage of the House to reject hearsay testimony, when it was in their power to acquire the best evidence that the nature of the case would allow."

After some discussion, *Mr. Sutton* was again called in, and produced the Minutes of the Court Martial, in which *Mrs. Clarke* is described as *Mary Ann Clarke*, widow, and she swears that she was frequently in the use of guiding her mother's hand in signing bills of Exchange.

[The Witness was again called in.]

Attorney General. Q. Relate the circumstances of her testimony, so far as you recollect?

A. I have the original Minutes which I took at that Court Martial, in my pocket.

Q. Refer to that part of the evidence which refers to the

the Bill of Exchange signed Elizabeth Mackenzie Farquhar ?

A. " Mary Ann Clarke, of Loughton Lodge, in the County of Essex, widow, a Witness produced by the Prosecutor, being duly sworn, was examined."

Q. Was that read to her ?

A. No, I believe it was not read to her.

[The Witness read the following Extract from the Minutes :—

Q. Look at this bill ; is the body of it and signature your hand writing ? - - -

The Witness was then shewn the bill of the 1st

May, 1807, and then deposed. A. Yes, it is ;

but it purports to be the hand of my Mother ;

she was present when it was written. I am fre-

quently in the habit of guiding her hand when

she writes, or takes any thing in her hand, in

consequence of her being very infirm and very

nervous.—Q. Look at this bill ; is the body of

it and signature your hand writing ? - - - The

Witness was then shewn a bill of the 15th of

July, 1807. A. It is.—Q. Look at both the

bills, and state to the Court, whether the ac-

ceptance of both is the hand writing of Mr. Rus-

sel Manners. A. Yes, in the presence of myself

and my mother.—Q. Did you, or your Mo-

ther, give these drafts to Captain Thompson ?

A. My Mother the first, and myself, I believe,

the last.—Q. Was Captain Thompson aware

that you signed the name of Eliz. M'Kenzie

Farquhar to these drafts, when they were given

to him ? A. Never.—Q. Did he not know

your hand writing from your Mother's ? A. I

do not think he does, when I direct her hand.

Was Mr. Russel Manners indebted to you in a

sufficient sum, to authorize you to draw upon

him for the sum of a hundred pounds ? A. He

was.—Q. State to the Court the reason why

you did not indorse the bill dated the 20th of

May, 1807. A. I had no reason ; I was not

aware

"aware of the circumstance that I had not indorsed it; it never was returned to me to be indorsed.—

"Q. Do you recollect the date of the bill, dated the 15th of July, 1807, being altered? A. No,

"I do not.—Q. When those bills were given to

"Captain Thompson, had you any doubt but that

"Mr. Russel Manners would pay them when they

"respectively should become due? A. Not the

"least.—Q. Had you ever before these bills were

"drawn, drawn bills upon Mr. Russel Manners;

"and if you had, were such bills paid when due?

"A. I never did; I have more bills of Mr. Man-

"ners's, but I have never made use of them, find-

"ing that those bills were not duly honoured.—

"Q. Had you any good reason to believe that

"Messrs. Maltby would pay the bills when they

"became due; and if you had, state to the Court

"what were the reasons on which your belief was

"founded? A. I certainly thought that Mr.

"Rowland Maltby would pay them, because I

"knew that he had at different times paid some

"thousands for Mr. Manners; besides which, Mr.

"Maltby knew I had assisted Mr. Manners with

"money, and therefore I thought he would take

"care of those bills before others.—Q. Had you

"any personal communication with Mr. Rowland

"Maltby respecting the bills in question, previous

"to the last week? A. Never.—Q. Have you

"had any personal communication with him re-

"specting them within the last week, and if you

"have, state to the Court the substance of it. A.

"Thursday last I went, accompanied by my Mother,

"to Mr. Rowland Maltby's, and he told me that

"he was coming."

Q. Does it appear upon the Minutes of that Court Martial, from the testimony of Mrs. Clarke, that she put into her Mother's hand, and with that wrote her name upon a Bill of Exchange?

A. That is in the answer to the first question that was put to Mrs. Clarke.

No. IX.

B b

Q. During

Q. During the proceedings of that Court Martial, were any private questions put in your presence to Mrs. Clarke out of Court, respecting her being a widow, which were afterwards entered upon the Minutes?

A. I do not recollect any; I had conversation, as I mentioned before, with Mr. Smithies, and, I believe, Mrs. Clarke; I am not exactly sure, but I cannot recollect the whole of that conversation; it was relative to her delicacy with respect to her being examined, and her fear that unpleasant questions might be put to her generally; I have no recollection of any as to her being a widow; I desired Mr. Smithies, understanding that Captain Thompson was brother to Mrs. Clarke, that he would give me her description, and he gave it upon paper.

The Witness was directed to withdraw.

Mr. THOMAS PARKER was called in, and examined by the Committee, as follows:

Mr. Wardle. **Q.** Refer to your book as to the date of any payment that was made by Mrs. Clarke in the year 1804; five hundred pounds on account of a service of plate?

A. I know nothing of the subject at all; I was only left executor to Mr. Birkett; I have a book here, in which there is some account, which I looked at to-day, which I did not know of before.

Produce the book:

[The Witness fetched the book, in which appeared the following account:]

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Dr. BIRKETT, JUN. ESQ.

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Per CONTRA Cr.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
16 July.	Pair Bracelet Tubes, and Hair for Ditto	-	1	5 0
13 May.	Six Pair of Silk Hofs	-	2	10 0
3 Aug.	23 Yards Irish Linen, a 4s.	-	4	12 0
	25 Ditto Ditto - - 3s. 2d.	-	3	19 2

By Cash 24 Sep. 1806 - - 12 6 2

Settled. —

MRS. CLARKE, Dr.

	l.	s.	d.
1804. 16 May. The whole of the above-mentioned Articles for	-	-	1,363 14 10
An elegant rich Chased Silver Epergne, with 4 Branches, and rich Cut Glasses to Ditto	153.16.		139 13 0
Very large Oval Silver Tea Tray	183.8.		84 0 0
An elegant rich Chased Silver Tea Pot, square Ivory Handle	os. 22		16 16 0
12 Gadroond Silver Soup Plates, to correspond	245.1.		105 0 0
15 June. 2 Waiters	Gadroond { 129.9 2 1/2 os. 58 3 0		
Putting on Silver Plates for Arms, and polishing the above	49.11		16 3 6
Engraving Arms and Crests on the above	-		21 6 0
Silver Tankard	-		15 13 0
Pair Sugar Tongs	-		0 18 0
			1,821 11 4

Per CONTRA Cr.

	l.	s.	d.
1804. 18 May. By Cash on Account	-	-	500 0 0
12 July. By a Bill at 2 Months	-	-	200 0 0
Nov. 14. By a Ditto 4 Months	-	-	200 0 0
By a Bill at 6 Months	-	-	200 0 0
Ditto Ditto 8 Months	-	-	200 0 0
Ditto Ditto 10 Months	-	-	200 0 0
By a Bill at 12 Months	-	-	200 0 0
By Cash, a Draft on Coutts, and Co. 23 July	-	-	131 0 0
Abstract	-	-	0 11 4
			1,821 11 4

Q. Do you know any thing more of that book; or do you know as to any of the payments, by whom they were made; or what those bills were, or upon whom drawn?

A. I do not know any thing more of it; there is another little account in this book; here is nothing here which states at all what bills they were. I did not know any thing of it till to-day; I was not sure whether the summons was intended for me or not, for my name was not inserted, nor where Mr. Birkett lived; it was inserted Princes Street, Hanover Square; I never knew him live there. I came down, it being left at my house.

Q. Do you know who the late Mr Birkett's bankers were?

A. Yes, Marth and Company in Berners Street.

Q. Have you any other memorandum in that book?

A. Here is some other account of goods, watches, and some other silver goods, and various other articles, which amounts to two hundred and eighty-six pounds nine shillings besides the other Account.

The Witness was directed to withdraw.

CAPTAIN TUCKER was then called in:

Mr. Wardle. **Q.** Do you recollect in the year 1803 or 1804, of any offer of a Majority at a very reduced price having been made to you by Mr. Donovan?

The **CHANCELLOR** of the **EXCHEQUER** objected to this question, as having no bearing on the points at issue. Supposing the case as put by the Honourable Gentleman, what could the Duke of York have to do with it?

Mr. WARDLE only wished it to be understood, as he had made this a part of his original statement, that he was now ready to prove it. If, however, the Right Honourable Gentleman had any objection to the question, he did not wish to press it.

The **CHAIRMAN** asked whom the Honourable Gentleman wished to have next examined?

Mr. WARDLE said he had examined all the witnesses he proposed calling that night.

The **CHANCELLOR** of the **EXCHEQUER** understood

flood, that Mr. Donovan was one of the Honourable Gentleman's witnesses.

Mr. WARDLE stated, that all he meant to prove by him was, that he offered Commissions in Colonel French's levy at low prices:

HARVEY CHRISTIAN COMBE, Esq. a Member of the House, attending in his place, was examined, as follows:

CHANCELLOR of the EXCHEQUER. Q. Will you mention the circumstance of your seeing Mr. Dowler shortly after he had received his commission in the Commissariat?

A. I was riding through the street, and I met Mr. Dowler by accident, I had heard before with great pleasure that he had got an appointment in the Commissariat; I was not unacquainted with the reverses of fortune he had sustained at the Stock Exchange, and I was rejoiced to hear that he had an employment that would yield him a comfortable maintenance; I stopt him to give him my congratulations, and having heard that he had got this by the request of Mrs. Clarke, I asked him whether he had obtained it by the interest of Mrs. Clarke or Mr. Brook Watson; his reply to me was "O by Mr. Watson's."

Q. From your knowledge of Mr. Dowler, do you believe him to be a man of integrity?

A. Perfectly so, I would have recommended him to any situation he was a candidate for.

Q. From whom had you heard that he obtained the appointment from Mrs. Clarke?

A. I know a great many persons who are equally acquainted with the Dowlers: from various persons I heard it, but I cannot recollect one individual.

Q. Did you know of your own knowledge that there has been any connection between Mr. Dowler and Mrs. Clarke?—A. I did not.

Q. Cannot

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J. C. Sencran?

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Q. Cannot you recollect one person among many individuals from whom you heard it?

A. It is a great many years ago, if I were compelled to say who I should select, my own son.

Q. Do you not from your own knowledge know that Mr. Dowler's Father adopted a line of politics in the City directly opposite to that of Sir Brook Watson?

A. I know that Mr. Dowler's Father in the City of London adopted the Whig principles, but whether he was a member of the Whig Club I do not know, nor do I now know exactly what Mr. Brook Watson's political principles were.

The CHANCELLOR of the EXCHEQUER wished Mr. Donovan to be examined, if for no other reason, at least for the sake of learning from him the fact which Mrs. Clarke had stated, that he had delivered to her a list of the names of the persons wishing promotions to Colonel French's levy.

Mr. JEREMIAH DONOVAN was called in, and examined by the Committee, as follows:

Chancellor of the Exchequer. **Q.** Do you know Mrs. Clarke?—**A.** I do.

Q. Do you recollect at any time furnishing her with a list of Names of Persons for whom she was to obtain from the Duke of York, Military or other promotion?

A. Never.

Mr. Smith. **Q.** Have you not been in the habit of trafficking in places under Government?

A. I never have trafficked for any places under Government in my life.

Q. In no situations for India?

A. From Government.

Q. Appointments from Government?—**A.** Never.

Q. Or from the East India Company, appointments that must come under the cognizance of the Board of Controul?

A. I will be obliged to the gentleman if he will inform me what appointments those are.

Q. Have you ever offered a situation in India for a sum of money to a Mr. O'Hara?—**A.** I have.

Q. What

Q. What was the nature of that situation?

A. A Writership.

Q. What was Mr. O'Hara to have given you for that situation?

A. Three thousand some odd pounds, but I cannot say exactly.

Q. When was this?

A. I believe the last year, but I do not exactly recollect.

Q. How did that negotiation break off?

A. It broke off in consequence of Mr. O'Hara's brother not depositing the money at the banker's which was nominated by the gentleman who had the disposal of the appointment, or who informed me that he had the disposal of the appointment.

Q. Did not Mr. O'Hara offer to deposit the money in his own banker's hands, and did you not object to that, and wish it to be deposited in your banker's hands, in Henrietta Street, Covent Garden?

A. The money, Mr. O'Hara informed me, was deposited in a banker's hands in the city, I believe it was Curtis and Roberts; the person who had the disposal of the appointment would not consent to its remaining there, but wished it should be deposited at Messrs. Austen and Maunde's, in Covent Garden, and in consequence of that the negotiation ceased. I did it at the request of a lady from Dublin, who sent a letter to me, saying that she wished I could obtain for a Mr. O'Hara, whose father was her particular friend, a Writership to India; I applied to a gentleman, and he told me he could obtain that appointment, and the negotiation broke off in consequence of their not depositing the money at the house of Austen and Maunde.

Q. What person authorized you to negotiate this appointment in the East India Company's Service?—

[The Witness was directed to withdraw.

This question was objected to; but after some discussion, allowed to be put.

[The Witness was again called in and the question proposed.

A. Am I obliged to expose the name of the lady; if I am, I certainly shall.

Q. Was

Q. Was the lady the purchaser, or was it through the lady you were to obtain the appointment of some Director?

A. The lady wrote to me, requesting I would make inquiry, in order to procure the Writership for this gentleman; in consequence of this I did make the inquiry, but do not know any Director's name concerned in the business.

Q. Of whom did you expect to receive this patronage?

A. I was recommended by Messrs. Austen and Maund, to a gentleman who promised to procure the patronage.

Q. Name the gentleman.

A. Mr. Tahourdin, an Attorney, of Argyll Street.

Q. Do you know from Mr. Tahourdin's connections, from whom he was to obtain it at the India House?

A. I do not.

Q. Cannot you guess or surmise?—A. I cannot.

Q. Upon what grounds did you desire the three thousand and odd pounds to be lodged?

A. It was to have been lodged to be paid to Mr. Tahourdin, on the young gentleman passing as a Writer to India.

Q. Did Mr. Tahourdin ever give you reason to believe that he had the promise of that nomination?

A. If he had not, I certainly should not have requested the young gentleman to have lodged the money at the banker's.

Q. Did you introduce a clergyman of the name of O'Meara to Mrs. Clarke?

A. I have not the pleasure to know a clergyman of that name.

Q. Mr. Sheridan. Q. Did you ever apply to Mrs. Clarke for the promotion of any person in the Church?

A. In the month of November or December last, Mrs. Clarke informed me that she had very great influence; I heard of a vacancy in the Church, and I did apply for it for a friend of mine.

Q. What was that vacancy?—A. A Deanery.

Q. What Deanery?—A. I believe Salisbury.

Q. Did you apply only for that Deanery, or any other Deanery?

A. For either the Deanery of Salisbury or Hereford.

Q. This was either in November or December last?

A. It was.

Q. Being

portunity of seeing Mr. Wardle on the subject, and I find he is by no means so ill-disposed as his speech seemed to evince; but he tells me, that as I have committed myself and my papers, he is determined to make every possible use of them, that to him seems proper. I must be candid, and tell you, that in order to facilitate some negotiations, I had given him a few of your letters. In one you speak of the Quakers, in another the two Deaneries. As to myself, I must of course speak the truth, as I shall be put on oath. Let me persuade you, if called on, to keep to the truth, as I am convinced you will; but I mean the whole truth, as to what has passed formerly between yourself and me.—I have a thousand thanks for your being so quiet upon the one hundred and thirty; you shall have it the moment my Mother comes from Bath. I fear, if you are backward, Wardle will expose the whole of the letters he has to the House.

"Your's truly,

"Saturday Evening."

"M. A. Clarke."

"In order to relieve your mind, I send my servant, though late."

Indorsed:

"Rec. 18th Jan. 1809.

late at night."

"Dear Sir,

"Wednesday Morning, Feb. 1st, 1809.

"I yesterday saw Mr. Wardle; he had a letter yesterday from your friend Glasse, begging him not to take any business in hand, where his name is mentioned; and he asks for you also. He was tutor to Wardle. Now Mr. Wardle assures me, by every thing honourable, that if you speak candidly and fairly to the fact of Tonyns, he will ask nothing more; and if he has been at all intemperate with your name, he will do it every justice. Take my advice and do it; it cannot injure you. I understand your friend Tack, some months ago put a friend of his in possession of Tonyns business; and yesterday a man of the name of Finnelly gave him a case, which, he says, he had from you, of a Captain Trotter and another. Of course you will not mention my telling you this. I wish from my soul Mr. Wardle had taken it up less dispassionately, he might have done more good. Why do you not send me a line? I dare say Clavering is hugging himself, as he did not send the recommendation.

"Yours, &c. M. A. C."

Mr. S. Bourne. Q. What rank have you in the Army?

A. Lieutenant.

Q. How long have you been in the Army?

A. I went into the Army in the year 1778.

Q. In what Regiment have you been?

A. In the Queen's Rangers.

Q. Are you now in the Queen's Rangers?

A. I entered into the Army in the year 1778 in the Queen's Rangers: in consequence of my services in the Queen's Rangers I was recommended into the Regiment called

called the North Carolina Volunteers, then under Colonel Hamilton; the Honourable Major Cochrane, then Major to the British Legion, commanded by Lieutenant Colonel Tarleton—now General Tarleton, induced me to resign my company in the North Carolina Regiment and to accept a Lieutenantcy in the British Legion under the command of Lieutenant Colonel Tarleton, which I imprudently did under the promise of the first troop or company that should become vacant in that Regiment. I served in that Regiment during the remainder of the war, from the year 1780 till the reduction of the Regiment in October 1783; I brought home a detachment of that Regiment, and was placed upon half-pay; in consequence of my wound being very bad it was impossible for me to accept a commission upon full pay, many of which had been offered to me by Colonels of different Regiments in consequence of those wounds I have suffered; I am sorry to say that my surgeon, who did attend, is gone, or he could explain my present sufferings, but I have suffered more than is conceivable for any person who looks well in health as I do, being lusty I have not been able to take off my clothes or lie down for the last five years; about six years from this period I was confined sixteen weeks under the care of Mr. Everard Home, Mr. M'Gregor of the Military Asylum, and Mr. Rivers of Spring Gardens, Mr. Astley Cooper also attended me, and I am now obliged to employ a surgeon, that is Mr. Carpue, either he or his assistant dresses my wound daily; in consequence of the recommendations of the Honourable the late Marquis Cornwallis and Lord Moira I was placed in a Veteran Battalion as a compensation in some degree for my expences as well as my sufferings from this wound, and through the same interest I obtained leave of absence till further orders; there are many other officers under similar circumstances in the Army, it being the only means by which His Royal Highness the Commander in Chief can remunerate their services, at least that was the answer given by the Adjutant General to Lieutenant Colonel Christie of the 11th Veteran Battalion, (on the strength of which I at present draw my pay) when he applied last year to have me removed

upon the retired list; with respect to my provincial services, I presume they go for nothing; I served fifteen months in a Fencible Regiment at home as Lieutenant and Surgeon; I served three years in the Militia as Lieutenant and Surgeon, and I served three years as a surgeon in an armed vessel appointed by the Treasury, and I trust it will not be thought too much that I draw the pay of a Lieutenant.

Mr. Wardle.—Q. You have stated that you never sent in any names to Mrs. Clarke, either for promotion or for Commissions in the Army?

A. Not till November or December last did I ever apply to Mrs. Clarke for any Commissions in the Army, either directly or indirectly.

Q. Do you recollect what Commissions you applied for then to Mrs. Clarke?

A. I do not; there were some Companies, but for whom I do not recollect.

Q. Do you recollect what you asked Mrs. Clarke to do respecting those Companies?

A. I perfectly recollect that Mrs. Clarke informed me that she had interest with a great many gentlemen, honourable Members of this House; that she had also great connections amongst General Officers, and that she could procure Letters of Recommendation which might accelerate any applications that were lying before the Duke of York for purchases of Commissions.

Q. Did you send any Letters of Recommendation from the Commanding Officers of Regiments in favour of Officers for promotion to Mrs. Clarke?

A. I sent three Letters, I think, from three different Field Officers, recommending gentlemen for purchase from Lieutenancies to Companies. Those gentlemen had been recommended, if I mistake not, about twelve months, but their recommendations had not been attended to, to accelerate which it was thought advisable to procure the recommendations I have already stated, and Mrs. Clarke informing me she could do it, I placed these recommendations in her hands for that purpose.

Q. Inform

Q. Inform the Committee how you got possession of those Letters yourself?

A. I will; I got possession of those Letters from Mr. Froome, under the following circumstances: Mr. Froome called upon me, and informed me that he was about to resume his station or to be appointed a clerk in the house of Mr. Greenwood, upon condition that he should make oath or give security, one or the other, that he would never do any thing in the Commission line as a Broker in future; that if I could do any thing with those three appointments which had hung so long, I should serve very deserving young men, and should be remunerated for my trouble; this is the fact, however it may criminate me.

Q. State what the remuneration was to have been upon each of those commissions?

A. It was above three hundred pounds; but how much I cannot say?

Q. Do you mean to state that above three hundred pounds were to have been paid above the Regulation Price for carrying the point?

A. Certainly, on each Commission.

Q. Do you know of your own knowledge, through what means that three hundred pounds upon each was procured?

A. I do not.

Q. Only you mean to state that the Officer purchasing was to have paid three hundred pounds above the Regulation?

A. I mean to state that both of those Officers purchasing, on being gazetted, was to make the compliment of three hundred pounds.

Q. And it was Mr. Froome who put the three Commissions into your hands?

A. Yes, he did, under the circumstances I have already related.

Q. Had you ever any conversation with anybody but Mr. Froome respecting these commissions?

A. I had conversations of course with Mrs. Clarke; I had conversations with Mr. Glasse.

Q. Who is Mr. Glasse?

A. The Reverend George Henry Glasse.

Q. Had you never a conversation with any other person respecting those Appointments?

A. I do not recollect that I had any conversation with any person, save and except Mr. Glasse, Mrs. Clarke, and Mr. Froome; I do not recollect any other person.

Q. Do you recollect any other transactions of that nature coming under your knowledge?

A. There was a Majority I think, or two, under similar circumstances.

Q. Do you recollect what sum above the Regulation was to have been paid on the Majority? **A.** I do not.

Q. Do you recollect any other Commissions that fell under the same circumstances?

A. I do not recollect any other Commission but the two Majorities, and those three companies.

Q. Did those Majorities come from Mr. Froome also?

A. They did.

Q. Did not Mr. Froome at that time tell you what remuneration was to be given?

A. It is very possible that he might, but I do not recollect the remuneration.

Q. Do you know what your share of the profit was to be? **A.** I do not.

Q. What part of the transaction were you to act?

A. I was to procure the letters from Mrs. Clarke; to attach them to those recommendations and memorials, and to put them into the box at the Horse-Guards, and to let them take their chance; and if they succeeded, then we were to be remunerated.

Q. Therefore, the part Mrs. Clarke was to have acted, was either to have got the recommendation backed by a Member of Parliament, or some other person likely to give strength to such recommendation?

A. That was the part.

Q. What was she to have had for that part?

A. She was to have had, I believe; upon each of the Majorities 500l. as nearly as I can recollect.

Q. What was she to have had for the Companies?

A. I forget exactly; but it was either a hundred or more than a hundred.

Q. Do you know Captain Tuck?—**A.** I do.

Q. Do

Q. Do you recollect in the year 1804 or 1805, offering Captain Tuck a Majority at a very low price?

A. I remember that in the year 1804 or 1805, Messrs. Austen and Maunde told me, that they expected to be appointed Agents to a regiment that was to be raised by a Colonel Dillon; that Commissions were to be obtained in that regiment, or some other, and that there were many other levies to be raised; and that the prices in that regiment were to be for an Ensigncy so much; for a Lieutenancy so much; a Company so much; and I believe that was the whole of the steps. The Colonel had the appointments; where they were either to raise so many men for their Commissions, or pay a certain sum of money to the Colonel. I met Captain Tuck either in Parliament-street or Whitehall; he had been employed by the Honourable Colonel Hanger to raise a levy, and by that had obtained the rank of Captain, and was then upon half-pay. I told him, if he wished to get the step of Majority, I thought if he would raise the men, or pay a sum of money, he might get a Majority. I never thought any more of it till I met Captain Tuck in the room this evening.

Q. Do you not recollect naming any other person as a party in this transaction, respecting the Commissions that were sent into Mrs. Clarke?

A. I do not recollect, but there may be some other persons; I do not conceive any other persons could have been mentioned.

Q. Will you name any other person that you can recollect?

A. I do not recollect any other persons or I would name them.

Q. Did you mention the name of Mr. Greenwood?

A. I never mentioned the name of Mr. Greenwood in the transaction at all, further than Mr. Froome was obliged either to make an affidavit, or give security to Mr. Greenwood, that he would not act as a Broker in future, or he would lose his situation.

Q. Who is Dr. Glasse, or Mr. Glasse, whom you have mentioned in the course of your examination, and who is mentioned in one of the letters?

C. c 3

A. The

A. The Reverend George Henry Glasse, of Manwell.

Q. How long have you known Mr. Glasse?

A. I have known him for some years, but cannot exactly say how long.

Q. Has Mr. Glasse ever made any application to you relative to church or other preferment?

A. Never in my life.

Q. Or you to him?

A. I have not; I, of my own accord, very imprudently promised to Mrs. Clarke, that if she could procure the Deanery of Hereford for Mr. Glasse, I should be extremely happy that she should do so; but I never told Mr. Glasse of it till I think last Saturday was se'nnight, or Monday was se'ennight, and then Mr. Glasse was exceedingly enraged that I should have taken the liberty with his name.

Q. What induced you to make that application?

A. The very great friendship I had for Mr. Glasse, and not conceiving that I was doing that which was improper at the time, or I would not have done it.

Q. Did you offer a thousand pounds? **A.** I did.

Q. And did it without Mr. Glasse's knowledge?

A. Yes, without his knowledge, upon my sacred honour, and he never knew of it until the other day.

Lord Folkstone.—**Q.** You have stated that you would not have made this offer if you had been aware that the transaction had been improper; did you conceive the other transactions, which you have stated to the Committee you had a hand in, to be proper transactions?

A. I knew that these transactions pass daily, and therefore, I thought that there was nothing so very heinous in the crime; but I certainly did not conceive it altogether proper.

Q. How did you know such transactions pass daily?

A. I had heard that such transactions passed.

Q. Do you know, of your own knowledge, that such transactions pass daily?

A. I never was concerned in any transaction of that kind, save and except the business of Captain Tonyn, which I should be happy to explain; I believe I had also the introduction of Major Shaw.

Q. Do

Q. Do you recall to your mind the recollection of any other transactions of this kind?

A. I do not.

Q. You stated at the commencement of your examination, that you were not a trafficker in places under Government; do you abide by that statement now?

A. If you will permit me to explain the business of Captain Tonyn, I shall be obliged; but further than those I have mentioned, I have never trafficked in any places under Government; if I had I would not deny it.

Q. Have any of those other negotiations you have mentioned to the Committee, been carried into effect?

A. Not one through me.

Q. Do you know whether those negotiations about the Companies and the Majorities were carried into effect or not?

A. Not one of them.

Q. Were you to receive any remuneration supposing the negotiation had been effected.—A. Certainly.

Q. Do you not call that trafficking in places under Government?

A. I will leave it for you, Gentlemen, to decide: I did not consider it so.

Q. Are those the only transactions of the kind, in which you ever in your life have been concerned?

A. I believe they are.

Q. Be sure whether they are or not.

A. I cannot be sure, because I do not recollect any other; if I did, or you will do me the favour to point out any others, I will not deny them.

Q. How long have you known Mrs. Clarke?

A. I knew Mrs. Clarke, I believe, in the year 1805.

Q. Have you kept up your acquaintance with Mrs. Clarke from that time to the present day?

A. I had not seen Mrs. Clarke, till November last, for nearly three years; more than two years however.

Q. You had not seen Mrs. Clarke till November last, since her separation from the Duke of York?—A. Yes.

Q. Were you in the habit of seeing her when she was connected with the Duke of York?

A. I saw her, I believe, two or three times, and that only when

when she was connected with the Duke of York, or at least when she lived in Gloucester-place.

Q. Did you see her only two or three times in the course of your lifetime, before the month of November last?

A. I presume in the course of my life time, that I may have seen her half a dozen times before November last, for she lived in Burlington-street, at a Mr. Russel Manners's, and I saw her there twice.

Q. At what period was that?

A. That I suppose must have been in the year 1806, or the latter end of 1805; it was after she was separated from the Duke of York, or left Gloucester-place.

Q. How did your acquaintance with Mrs. Clarke begin?

A. My acquaintance with Mrs. Clarke commenced in consequence of a report which had been circulated that I was the author of some scurrilous paragraphs reflecting on His Royal Highness the Duke of York; I traced it to Captain Sutton, an acquaintance of Mrs. Clarke's; I endeavoured to trace them out, but in vain. I requested that I might be introduced to Mrs. Clarke to vindicate myself; I never had written a paragraph against any one of the Royal Family in my life, and that was what introduced me to Mrs. Clarke's acquaintance.

Q. You have stated that while Mrs. Clarke resided in Gloucester-place, you saw her three or four times; did you call upon her in Gloucester-place?

A. I called upon her three or four times, it was at the house I saw her.

Q. Did you go of your own accord?

A. I went of my own accord, having obtained permission to see her; I was three or four months before I could obtain permission to see her, so strong was the impression against me as being the author of those paragraphs, that Mrs. Clarke would not see me, nor hear my name.

Q. How often did you see Mrs. Clarke when you called at Gloucester-place?

A. I believe three different times.

Q. When you saw Mrs. Clarke, did you go of your own accord, or did she desire you to come?

A. She never desired me to come that I know of further than

then one particular period, which was in order to enquire the description of Captain Tonyn.

Q. When you went of your own accord, with what view did you go?

A. In order to do away the report that I had been the author of these paragraphs against His Royal Highness the Duke of York.

Q. All the times that you went, you went with that view?

A. Twice only, I believe; I never was at Mrs. Clarke's above three times in my life in Gloucester-place.

Q. You have stated that you called there frequently before you could see Mrs. Clarke, and that you then called three different times, and saw Mrs. Clarke?

A. I did not mention that I had called often at Mrs. Clarke's, and have not seen her.

Q. Did you do away the impressions entertained against you at your first interview with Mrs. Clarke?

A. Not altogether.

Q. How many interviews were necessary to do away entirely those impressions?—A. Two.

Q. Did you entirely do away those impressions in two interviews?

A. I believe I did.

Q. With what view did you call upon Mrs. Clarke the third time you saw her?

A. In order to procure the insertion of some letters in the Morning Post.

Q. What was the subject of those letters?

A. The subject of those letters was answers to the letters of Belisarius.

Q. Why was it necessary for you to go to Mrs. Clarke, to procure the insertion of those letters?

A. Because Mrs. Clarke had asked it as a favour of me.

Q. To do what?

A. To get those letters inserted in the Morning Post.

Q. Do you mean to say that you carried those letters to Mrs. Clarke, because Mrs. Clarke had desired you to insert them in the Morning Post.

A. I

A. I did not carry them to Mrs. Clarke. I received them from Mrs. Clarke.

Q. Then the third time you went to Gloucester-place you went to get those letters?—**A.** I did.

Q. Did you go then of your own accord, or by the desire of Mrs. Clarke?

A. At the desire of Mrs. Clarke, I believe so; it is really so long since, that I cannot say whether I volunteered my services to go that day for those letters, or whether she had appointed that day for me to call for those letters; I did call for those letters, and got them inserted in the Morning Post.

Q. You have stated, that though you did not traffic in Commissions, you have had a hand in procuring Commissions at different times; had you any dealings of that sort with Mrs. Clarke or others, at the time Mrs. Clarke lived under the protection of the Duke of York?

A. I never had any transaction with Mrs. Clarke as to any Commission, either direct or indirect, till this in November, of three Companies and two Majorities.

Q. In November last, did you know that Mrs. Clarke was no longer connected with the Commander in Chief?

A. Mrs. Clarke informed me that she had been long at variance with the Commander in Chief, and never should be connected with him again.

Q. How came you, having that knowledge, to apply to Mrs. Clarke for her interest for promotions?

A. Not with any view to her interest with His Royal Highness, but Mrs. Clarke had told me that she had great interest with Members of Parliament and General Officers, that she could procure recommendations of the different Colonels of the regiments to which those gentlemen belonged.

Q. Were the transactions of which you have spoken, the only transactions of the kind in which you have ever been concerned?

A. I have answered that question repeatedly.

Q. Have you ever carried on any negotiations respecting Writerships to India, besides that which has been already mentioned?—**A.** I have.

A. How

Q. How many?—A. One.

Q. In behalf of whom?

A. I cannot charge my memory who the young gentleman was.

Q. At what time?—A. Last year.

Q. The year 1808?

A. I believe it was; and it was the Writership that Mr. O'Hara refused; that same Writership.

Q. Did you succeed in that negotiation?—A. I did.

Q. What money was paid in consequence of that?

A. I do not recollect; but I believe it was three thousand five hundred pounds.

Q. What did you receive in consequence of your exertions in that negotiation?—A. Two hundred and fifty pounds.

Q. From whom did you receive that money?

A. From Mr. Tabourdin.

Q. To whom was the other sum of three thousand and odd pounds paid?

A. To Mr. Tabourdin, I presume, but I was not present at the receipt of the money.

Q. Do you now recollect on behalf of whom that negotiation was carried into effect?

A. No, I do not; but I could trace it, no doubt.

Q. With whom did you treat for it?

A. I do not know the name of the gentleman with whom I treated for it; I did not expect to be called upon, and did not charge my memory. The gentleman was a stranger at the time.

Q. Have you, or not, been concerned in any other transactions of this kind?

A. I do not recollect any other.

Q. Are you certain that you have not been concerned in any transactions of this kind?

A. I am not certain; but I do not recollect any other. I do not believe I have.

Q. Are you certain that you have not been concerned in any transactions of this kind?

A. I could almost say I am; but I will not.

Q. Have you ever had any part in negotiating a Cadetship?

Q. I

A. I do not recollect any Cadetship that I ever have.

Q. If you are not in the habit of concerning yourself in matters of this sort, it is very extraordinary that you should not recollect : try to recollect whether you have had any concern for negotiating for Cadetships ?

A. I do not recollect ; I may have applied, but I do not recollect passing any Cadet.

Q. Do you make a habit of dealing in things of this nature ?

A. I have made no further habit of it than that which I have already stated.

Q. Have you ever had any concern in a negotiation for procuring a situation in the Custom-House ?

A. Mrs Clarke informed me that she had interest through which she could appoint a Collector of the Customs and several others. I mentioned it to a Gentleman, not with a view to bring it to my own interest at all.

Q. When was this ?

A. In November or December. Mr. Wardle can inform you.

Q. You have stated that you concluded a negotiation through Mr. Tahourdin for a Writership to India ; endeavour to recollect the name of the young Gentleman that was appointed ?

A. I cannot, for I do not know that I ever knew him.

Q. Cannot you, when you return to your office, find out the name and bring it to this Committee ?

A. I have no office.

Q. Cannot you when you return home to your own house, look into your books and find the name of the young man ?

A. I cannot, for I keep no books ; I am not confident that I ever knew the name of the young Gentleman.

Q. Have you no memorandum or slip of paper ?

A. I have none by which I can trace it.

Mr. G. Smith.—Q. Cannot you ascertain by what director the young man was appointed ?

A. I cannot, for I never knew.

Q. Do you know that any Director, who takes money for an appointment of this nature, breaks his solemn oath
which

which he takes when he enters into the service of the East India Company ?

A. I presume a Director may dispose of his card for a Writership, or a Cadetcy, and it may be sold, and the Directors know nothing, and receive no emolument, confiding to a Gentleman that he would not suspect of doing so.

Q. In what year was this ?

A. It was I believe last year.

Q. To what Presidency was it ?—*A.* I do not know.

Q. You have said that you once made an application to Mrs. Clarke in favour of Mr. Glasse, without the knowledge or privity of Mr. Glasse ; if the application in favour of Mr. Glasse had succeeded, by whom was the money to have been given for it ?—*A.* By me.

Q. Did you mean to pay it yourself out of friendship to Mr. Glasse, without any hope of remuneration from him ?

A. I did, by the Commissions which were to have been disposed of. I intended Mrs. Clarke should retain as much out of those Commissions as would have paid for that situation, provided it could have been obtained.

Q. You meant to make a present to Mr. Glasse, to the full amount of the remuneration you were to give to Mrs. Clarke for procuring him some Deanery, or whatever the church preferment was ?—*A.* I did.

Mr. Whitbread. *Q.* Which of the applications was the first, in point of time, for the preferment in the Church, or for the preferment in the Army ?

A. The preferment in the Army, I believe, took place in November ; some other situations and arrangements Mrs. Clarke had made were previous to that.

Q. Which preceded, in point of time, the application for the Captaincies and Majorities, or for Mr. Glasse ?

A. I believe that the situations Mrs. Clarke pointed out in the West Indies, and the situation that she pointed out at home, one was in the Commissariat, I believe, which she said she could obtain ; and the other was that of Landing Waiter. Those were the situations she first promised, which she said the Duke of Portland was to have given to her. Out of those Commissions it was that she was to have been paid.

Q. Is the Committee to understand that those Commissions, of which you have now been talking, are fresh Commissions, the advantage derived from which was to repay the one thousand pounds to be paid for the Deanery of Mr. Glasse; or is the Committee to understand that the advantage proceeding from the Captaincy and the Majority before-mentioned were to pay it?

A. From the Commissariat appointment and the Landing Waiter; not from the Captaincy and Majority.

Q. Then this Landing Waiter and Commissariat are new appointments?

A. They are new transactions.

Q. Not before stated to the Committee?

A. I forgot to state them to the Committee.

Q. At the outset of your examination, you stated, that you never had trafficked, directly or indirectly, for any places under Government of any description?

A. I never carried any into effect.

Q. The words "carried into effect" were not put in; you have now enumerated not less than nine situations for which you have carried on negotiations; you also stated, that you thought the crime was not so heinous, because you knew the practice to be daily taking place; what practices do you allude to which you knew were daily taking place?

A. The disposal of Commissions, I believe, has been generally reported to have taken place; but I know not any which took place which I had no connection or concern with whatever.

Q. Do you know of any transactions so taking place, with which you had or had not concern?

A. I have heard of such things, but do not know of any.

Q. You do not know, in any way, of such transactions having taken place?

A. I have heard of such transactions.

Q. Do you know of such transactions?

A. The transaction of Captain Tonyn I beg leave to mention here; I must allude to that and Major Shaw: I did not understand how either of those were carried into effect till last November: I never knew that Mrs. Clarke
was

was concerned in Major Shaw's business till last November. Captain Tonyn was gazetted in 1804; and Mrs. Clarke, in 1805, I understood was the person who had obtained that promotion for Major Tonyn.

Q. Independently of that case of Major Tonyn, there is a case of Major Shaw's, of which you have heard?

A. I heard last November only.

Q. Do you know of any other besides Major Shaw and Captain Tonyn?

A. I do not recollect any other.

Q. Are you sure you do not know of any other?

A. I do not recollect any other.

Q. Do you, or do you not know of any other?

A. I do not know of any other that I recollect; nor do I believe that I recollect any other.

Q. Do you not know of some others?

A. I know of no others, to the best of my knowledge; if I did, I would mention it, but I do not; I believe I know of no other whatever.

Q. You have said positively you know of no other?

A. I believe not.

Q. You have said once positively you knew of no other; do you say positively whether you knew of no other?

A. Do you mean to say I have been concerned with others?

Q. Have you been concerned in any other?

A. Not at all.

Q. Do you not know of any other?

A. I do not, to the best of my knowledge; it is impossible for me to charge my memory; I have told you every thing to the best of my knowledge and belief.

Mr. Croher. **Q.** When you were asked concerning certain Custom-house appointments, you said that Colonel Wardle, an Honourable Member of this House, could tell about them; what can you say of Colonel Wardle's knowledge of those appointments?

A. I must refer to Mrs. Clarke for that.

Q. What has Mrs. Clarke told you relative to that?

D d 2

Q. That

A. That she could procure recommendations from great people, and she mentioned the name of Mr. Wardle also, not as the person that would recommend, but as the person who knew others that she should make acquainted with the circumstance.

Q. What other persons, besides Colonel Wardle, did she mention as knowing of these matters?

A. Not as knowing, for she told me, she should tell Colonel Wardle.

Q. You said Colonel Wardle amongst others, who were the others?

A. She mentioned, that she should acquaint Colonel Wardle, or mentioned his name upon the business.

Mr. Barham. Q. Who was the person with whom you negotiated in the last transaction to which you have alluded, with respect to the Writership?

A. Mr. Tahourdin.

Mr. Dundas. Q. You stated that it was through him the money was paid, was he the only person with whom you negotiated?

A. He was the person who procured the appointment, but from whom I cannot say.

Q. Was he the only person with whom you negotiated, or had any concern or dealing in this transaction?

A. The Gentleman who obtained the introduction for his young friend, of course I negotiated with also, as I introduced them together; Mr. Tahourdin and that Gentleman, I really cannot tell the Gentleman's name, for I do not recollect it; but I dare say Mr. Tahourdin would furnish me with his name.

Q. State to the Committee whether you first applied to Mr. Tahourdin, or Mr. Tahourdin to you?

A. I did not apply to Mr. Tahourdin; he was recommended to me in consequence of a letter I had from a lady in Dublin, to procure a Writership for Mr. O'Hara.

Q. Who recommended Mr. Tahourdin to you?

A. Messrs. Austen and Maunde recommended him to me.

Q. Do you know whether that Writership was the subject of any Advertisement in the Newspapers?

A. Not

A. Not at all that I know of.

Q. Not being a trafficker in places, but yet having a certain tendency to negotiate them, and to take a pecuniary advantage by them, how come you not to apply to Mrs. Clarke while she had an acquaintance with His Royal Highness, but to apply after that had ceased; and when her connection with the Duke of Portland and Members of this House was a little more distant?

A. I have already explained that business; it was merely the effect of chance; Mrs. Clarke sent for me, and proposed the business to me; it was not the effect of my application.

Q. At what number in Argyle-street does Mr. Tahourdin live?

A. I do not know, but his name is upon the door.

Q. Did Mr. Tahourdin receive the nomination of Writership immediately from the Director, or through the medium of a third person?

A. I never asked Mr. Tahourdin from whom he procured it, or how he procured it.

Q. Is the lady, who applied to you on behalf of Mr. O'Hara, an acquaintance of your's?

A. She is.

Q. You have stated, that you saw nothing of Mrs. Clarke from the middle of the year 1806 till last November; was that interruption in your intercourse occasioned by any difference that you had together?

A. Not the least.

Q. What was it owing to?

A. Because I had no acquaintance with Mrs. Clarke further than I have already stated: I never saw her more than four times previous to her separation from his Royal Highness the Duke of York.

The witness was directed to withdraw.

The CHANCELLOR of the EXCHEQUER proposed that they should proceed no farther at present, but that they should resume the proceeding next day, which was agreed to.

Colonel Loraine, the Executors of Burkitt the Silversmith, and others, were ordered to attend.

After the House resumed, Mr. J. SMITH proposed that Mr. Tahourdin should be called to the Bar; but this was overruled on the suggestion of the CHANCELLOR of the EXCHEQUER, who said that his affair did not relate to the Duke of York's business. He further mentioned that he had it long in contemplation to propose a law to prevent this practice of jobbing, making the appointments void, and subjecting those who engaged in such transactions to punishment, as in cases of misdemeanor. But if Mr. Smith chose to make this traffic in writerships the subject of investigation by a Committee up stairs, he would have no objection. Mr. Smith, in consequence, gave notice that he would move to that effect.

With respect to Mr. Williams, Mr. Lowten was called to the Bar, who said, that he had reason to believe that this Williams was deranged; and this being in some measure confirmed by Mr. Kenrick, he was ordered to be discharged out of the custody of the Serjeant at Arms without payment of fees.

The Chairman was directed to report progress, and ask leave to sit again. They adjourned at four o'clock in the morning till next day.

On FRIDAY, *February 10.*

Mr. WARDLE moved the Order of the Day for the House resolving itself into a Committee to examine the charges against his Royal Highness the Commander in Chief.

[Mr. WHARTON in the Chair.]

Mr. WARDLE rose and observed that "the first circumstance to which he wished to call the attention of the Committee, was a statement in one of the letters from Mrs. Clarke, about his having got information from Mr. Finnerty about a Major or Colonel Tucker. When he was examined he stated, that except with respect to the affair of Major Hogan, he had never had
any

any communication with Mr. Finnerty, except once the lobby of the House of Commons, when he made some communication relative to Dr. Thynne. This he repeated, for he certainly did not recollect having got any other information from Mr. Finnerty. The name of Tucker might have been mentioned to him, but of that he had no recollection. It was most disagreeable to him therefore, to hear the eternal insinuations that he had got his information from Mr. Finnerty. A Petition had been presented by his Right Honourable Friend below, from Mr. Finnerty, praying that he might be called to the bar, and he should be glad if that request were complied with—that such insinuations might, if possible, be put an end to. He could not help also adverting to the attack made upon him by his Right Honourable Friend * the other night, as if he had been acquainted with improper persons. Of conspiracy he knew nothing—he did not know to whom his Right Honourable Friend alluded, and requested of him to name them. He was acquainted with nobody whom he would be ashamed to own—and if he knew of any conspiracy, he trusted he was too well aware of his duty to suffer it to rest without denouncing its authors. After what his Right Honourable Friend had said, he was not surprised that a Ministerial print should have taken up the point, and said that he was the accused instead of the accuser. If his Right Honourable Friend would name any one whom he imagined to be engaged in conspiracy, or giving false information, he would assist him in every means that could properly be used in order to investigate the subject. Another point to which he wished to call the attention of the Committee, respected the witness, Miss Taylor. From the mode of examination adopted by one Gentleman, an impression, he believed, of a very unfounded nature might prevail with respect to her. It was his duty to state all

* Mr. Sheridan.

he

he knew respecting that witness. He was told, and he believed, that she was the daughter of a Gentleman—he was told, and he believed, that she had two brothers in the army, and one in the navy. When he yesterday told her that it would be necessary for her to appear at the bar of the House—she said, that “if she was called upon she must speak the truth, though it would be the ruin of her dearest connexions” under these circumstances he was desirous”—

Mr. LOCKHART in reply, to order, observed that “it was very irregular to comment in this manner upon the character of a witness in a speech, and not by way of evidence”

Mr. WARDLE “hoped after what an Honourable Gentleman * said, while examining this witness, he might have been allowed simply to state what he knew respecting her.”

The CHANCELLOR of the EXCHEQUER observed, “that if it was permitted to make a long harangue upon the testimony of witnesses immediately upon the examination of each, this would lead into a debate and there would be no end of the proceedings, and the Gentleman would have a full opportunity of commenting upon the credit of the witness, when the whole of the evidence was before the Committee, when it would come much more properly than at present.”

Mr. SHERIDAN rose and remarked, that whatever irregularity there might be in the latter part, there could be none in the commencement of his Honourable Friend's observations.—It had been suspected that he got his information from improper persons, or such, as some Gentlemen conceived to be improper persons, and as his Honourable Friend had observed, that some suspicion attached to Mr. Finnerty, he had said that he should be glad to have Mr. Finnerty called to the bar.”

Mr. WARDLE upon this gave up the point. He then

* Mr. Beresford.

stated,

stated, that as the letters of Mr. Donovan to Mrs. Clarke had been the subject of observation, he had them in his pocket, and was ready to give them in, if such should be the desire of the Committee. He also adverted to the message which his Right Honourable Friend, * had sent him, with respect to his founding these charges on the evidence of improper persons; and declared that he had never received any such message.

Mr. SHERIDAN in answer said, " that no Member in the House could be more ready to avow his sentiments and principles than he was. He did not make an attack on his Honourable Friend, but stated what was fair and just. The friendly caution which he had sent him was not received by the Honourable Gentleman—he knew. But he had never used the word " conspiracy, or conspirators." He had been roused by a request, that one of the charges might stand over till a witness had returned from Jamaica—because this was altogether unnecessary, since Colonel French and Captain Sandon were so identified, that the evidence of the latter was perfectly sufficient without that of the former. As to his saying that his Honourable Friend had received his information through improper channels, his Honourable Friend, when he required that they might be named, placed him in rather a difficult situation, because some of the persons to whom he alluded had not been examined. His Honourable Friend had very honourably cleared Mr. Finnerty, and done him justice. But when he had heard that his Honourable Friend was about to exhibit serious charges against the Commander in Chief on the information of Mr. Mac Callum, the author of a pamphlet against the Duke of York; when he heard that he was proceeding upon the information of Mr. Cockayne and Mr. Donovan, the examination of the latter last night shewed that he had

* Mr. Sheridan.

some reason for wishing that his Honourable Friend should be cautious. He, however, gave full credit to the purity of his Honourable Friend's motives, and had endeavoured to prevent the House from making a run against a person, who had the spirit singly and alone to undertake a business of this magnitude. He assured his Honourable Friend, however, that he would go on with this affair without prejudice or partiality, and that no rank or station should, in his mind, oppose the free course of justice."

Sir ARTHUR WELLESLEY felt it his duty to say a few words, as he understood that his late worthy friend Colonel Tucker's name had been mentioned. "Colonel Tucker," he said, "had performed great services to his country. He had twice been engaged in active service under Sir David Baird, and once under Sir Samuel Auchmuty, on all which occasions he had highly distinguished himself. When under his command in Portugal, he had also performed the most essential services, and had given him such assistance that, on his return, he had felt it his duty to represent his conduct in the most favourable light to the Secretary of State."

Mr. WARDLE declared he never meant the most distant imputation upon the conduct of that gallant Officer, nor had he any personal knowledge of him whatever; he had only mentioned his name as connected with one of the transactions which were the subject of inquiry. He then desired to know, "whether it was the pleasure of the Committee that the letters of Mr. Donovan should be read?"

Lord FOLKSTONE suggested that they ought to be given in, as they were materially connected with the credit of the witness.

The ATTORNEY-GENERAL observed, "that the Committee could know nothing about their contents, and that the Honourable Gentleman himself was the best judge whether the letters were material."

Mr. WARDLE never thought before the evidence of last night, of giving them in, for many reasons, one of which was, that they wound the feelings of perhaps very honourable persons, without essentially promoting the present investigation. But when they were alluded to, as they had been last night by the witness Donovan himself, he thought it his duty at least to submit the question to the Committee. He had now no great desire to produce them, though they were in some measure connected with the veracity of a principal witness. He would not wish to give pain to any individual where it was unnecessary.

The CHANCELLOR of the EXCHEQUER observed, "that as the Committee could not possibly judge of the contents of the letters, the matter must rest with the Honourable Gentleman himself. Mr. Donovan had produced the letters of Mrs. Clarke to him, which were very material, as they contradicted her testimony; if the letters of Mr. Donovan to her contradicted his testimony; they were material with respect to his credit. But it was impossible that what was said by a third person, in this way, could affect the Duke of York. Of the effect of the letters the Committee would judge when they were read, but at present the Honourable Gentleman was the only judge whether they ought to be produced, and he would decide upon the principles which he had stated, which he apprehended to be correct and proper."

Mr. SHERIDAN, "Mr. Donovan has certainly expressed a desire, that the letters should be produced; and he has produced the letters of Mrs. Clarke, apparently with the confidence that his own would be submitted to the Committee. As to their being strictly legal evidence that is another question. There can be no harm in hearing the letters read; or my Honourable Friend might state their contents, and allow the Committee to judge."

Mr. WARDLE, "The letters do certainly go very materially

materially to contradict the testimony of Mr. Donovan, who has in his evidence affirmed, that he had not been engaged in trafficking in places under Government."

The letters were then given in.

Mr. ROSE thought that it was proper, before they were received, that Mr. Wardle should state how he came by them.

Mr. WHITBREAD observed, "that his Honourable Friend had already stated how he came by them; but if they were in the hand-writing of Mr. Donovan, that was not at all material."

Mr. YORKE, "The Honourable Gentleman has only stated, that he got some letters from Mrs. Clarke."

Mr. B. BATHURST, "The hand-writing ought to be proved before they were admitted, and the Honourable Gentleman ought to state how he got them."

Mr. WARDLE then stated, that "he did get them from Mrs. Clarke. In answer to some questions from the Chancellor of the Exchequer, he stated, that he had taken them from Mrs. Clarke's table; that they were all the letters of Mr. Donovan to her, except some about the commissions to which he had adverted in his evidence."

The CHANCELLOR of the EXCHEQUER said, "that it would be introducing extreme laxity into the proceedings, to receive letters till the writing was proved."

Mr. WHITBREAD, "The Right Honourable Gentleman had shewn less concern upon that subject when the letters of Mrs. Clarke was produced, which were read while she was at the Bar, and no question asked whether they were her writing."

But the Chancellor of the Exchequer, contending "that the cases were different."

Mr. FULLER asked, "Why the Honourable Gentleman * had not himself put the question to Mrs. Clarke?"

* Mr. Whitbread.

Mr. JEREMIAH DONOVAN was called in,
and *Examined by The Committee*, as follows:

Chairman. Q. State whether those letters in the hands
of the Clerk are your hand writing?

A. They are.

[The witness was directed to withdraw.]

[Letters read, dated the 8th October 1808, the
20th October 1808, 16th November 1808, 14th
December 1808, and the 23d December 1808.]

“ Charles-street, St. James's-square,
October 8th 1808.”

DEAR MADAM,

“ The Deanery of Hereford is vacant, and in the sole gift
“ of the Duke of Portland; can you procure it for the Rev.
“ G. H. Glasse? I would myself, unknown to him, give one
“ thousand pounds for it. It must be filled by next Saturday,
“ at least, so a gentleman, who has just given me the infor-
“ mation, said. Mr. G. is my most particular friend, and I
“ would make great sacrifices to serve him; he is not in
“ town at present. I can with confidence assure you he is a
“ very good scholar, a man of good fortune, and an extra-
“ ordinary kind friend, of excellent connections, well known
“ to the Dukes of Cumberland and Cambridge. He is rec-
“ tor of Hanwell, Middlesex. His town house No. 10, Sack-
“ ville-street.

“ The money will be deposited on Wednesday next, for
“ the Landing-Waiter's Place.

“ An inspector of the Customs, whose duty is rowing in a
“ boat about the river, visiting and placing officers on board
“ different ships, is about to be superannuated: the salary
“ is four hundred pounds per annum; I am applied to for the
“ appointment, on the resignation taking place; one thou-
“ sand pounds is offered for it.

“ Your's very truly,

“ Mrs. Clarke.”

“ J. DONOVAN.”

“ Charles-street, St. James's-square,
October 20th, 1808.”

“ DEAR MADAM,

“ Some friends of the Rev. T. Baseley, M.A. are extremely
“ desirous of procuring for him promotion in the Church;
“ and it appears to them a very favourable opportunity, the
“ vacancy of the Deanery of Salisbury, to make application
“ to the Duke of Portland; and in order to secure an interest
“ without his knowledge, a party of Ladies, at the head of

No. X.

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whom

" whom is Lady Cardigan, have subscribed a sum of money,
 " three thousand guineas, which is ready to be deposited to
 " carry into execution their intended plan.

" Mr Baseley is well known to His Grace, and was parti-
 " cularly recommended to her Majesty by Lady Cardigan,
 " on the publication of his pamphlet, 'The Claims of the
 " Roman Catholics constitutionally considered, &c. &c.'
 " This chaplain to the Duke of Gloucester, and the Bishop
 " of Lincoln, went with His Grace upon some occasion to
 " serve the Marquis of Tichfield : would be very strongly
 " recommended by many persons of fashion, the Bishops of
 " Norwich and Salisbury. I have a letter from each to Mr.
 " Baseley in my possession, which would shew the estimation
 " in which he is held by them. The Ladies are very anxious,
 " and at the same time desirous that he should not know
 " through what channel the money is raised, much less the
 " application, nor do they wish to know any thing further
 " than that he shall succeed, and then to agreeably surprise
 " him; or rather that His Grace, without any preface, should
 " have the whole merit of having selected so worthy a man
 " to fill the vacancy. Your answer will oblige,

" Your's very truly,

" J. DONOVAN."

" Lord M. and Mrs. J. are in town."

" Charles-street, St James's-square,
 " Nov. 16th, 1808."

" DEAR MADAM,

" The place of Inspector of the Customs is now vacant by
 " the death of Mr. Booty, and I learn that the Queen and
 " the Duke of Dorset are about to apply for it. I hope you
 " will procure it for Mr. Henry Tobin, the gentleman you
 " were so good to say you would serve when an opportunity
 " offered. I will do myself the pleasure of waiting on you
 " whenever you will appoint on the subject. Can you procure
 " the Paymastership to a second Battalion, for five hundred
 " pound ?

" Your's very truly,

" J. DONOVAN."

" Mrs. Clarke."

" Dec. 14th, 1808."

" DEAR MADAM,

" I regret much that I had not the pleasure to see you on
 " Saturday evening. It was the only time I had been out
 " since Tuesday, and I have suffered considerably in conse-
 " quence, from my wound.

" I am daily applied to for the particulars of the appoint-
 " ment at Savannah La Marr. Is it a Surveyor of Customs
 " and Landing Wailer? Is the salary one thousand three
 " hundred

" hundred pounds per annum, or how much is the salary, and
" from what do the perquisites arise? Is the one thousand
" three hundred pounds sterling, or Jamaica currency?
" What is the duty?

" Can you procure the Landing Waiters place in January
" next?

" The Paymaster second Battalion?

" Relative to the letters, I am in port ready, and wish to
" consult with you relative to them. I shall be at home
" this evening, and if able to bear the motion of a carriage
" dine in your neighbourhood to-morrow.

" I remain, Dear Madam,

" Yours very truly,

" Mrs. Clarke."

" J. DONOVAN."

" Charles street, St. James's-square,
Dec. 23d. 1808."

" DEAR MADAM,

" I am daily plagued about the Savannah la Mar appoint-
" ment; also respecting the Landing Waiter's, the 2nd Batⁿ
" Paymastership, and the Commissaryship. Pray let me
" hear from, or see you, on the subject of the Savannah busi-
" ness particularly.

" Mrs. Howes requested me to thank you in her name for
" your kindness, and have got into disgrace for not having
" done so sooner, and for not letting her know when you call'd
" last.

" Yours very truly,

" Mrs. H. sends her comp^{ts}."

J. DONOVAN."

" Mrs. Clarke."

Mr. CAVENDISH BRADSHAW wished the minutes of
the examination of Mr. DONOVAN last night to be read.

The CHAIRMAN informed him that they were at
the house of the short-hand writer, for the purpose of
being transcribed; but that they would be brought to
the House in the course of an hour.

Mr. BRADSHAW observed, that if his recollection did
not completely fail him, Mr. Donovan had been guilty
of the most gross prevarication. It was not his
intention to offer a single observation, directly or in-
directly, until the close of the examination. But if
it should prove, as he strongly suspected, he should
unquestionably move for the committal of Mr. Dono-
van.—He was proceeding to comment on the doctrine

laid down by an Hon. Gentleman under the gallery, when he was called to order by Mr. STURGES BOURNE, who observed that the course of the Honourable Gentleman's observation was, at that period of the inquiry, irregular.

The ATTORNEY-GENERAL informed the House that he had just received a letter from General Clavering, which he read as follows:

" Sir,
 " Having heard that my name has been introduced by Mrs.
 " Clarke in the course of her late examination at the Bar of
 " the House, I would wish to be called, as my evidence
 " would go to impeach her testimony.
 " I have the honour to be, &c.
 " H. M. CLAVERING."

The ATTORNEY GENERAL then proposed that General Clavering be called to the bar.

Mr. W. SMITH observed, that if it were intended to commit Mr. Donovan, for having uttered gross falsehoods, the same proceeding must certainly take place with any other witnesses, who, by their conduct, placed themselves in the same predicaments. If it could be proved that Mrs. Clarke had been guilty of such gross breaches of veracity, as Mr. Donovan seemed to have been, he was at a loss to know where any person could be found who would oppose her commitment. If the assertion of General Clavering were to be weighed against the assertion of Mrs. Clarke, no one could doubt which must kick the beam in the estimation of the Committee; but still the Committee would perceive, that there was a difference between convicting a person of probable falsehood by producing the testimony of another, and convicting a person of absolute falsehood by the production of his own testimony.

The CHANCELLOR of the EXCHEQUER here stated the inconvenience which must result from the indulgence by Hon. Gentlemen in general observations:

tions. The remarks of the Hon. Gentleman were by no means called for by what had been stated by his learned Friend.

Mr. ADAM recommended a dispassionate conduct on the part of the Committee. "It was natural, that in a popular assembly a great diversity of opinions should exist, and that those opinions should be maintained with a heat not always decorous or dignified. It was most desirable that this ardour should be repressed on the present important question, and that the patient examination of the subject, which he was anxious that the Committee should pursue, might terminate as it ought, in an impartial discussion, and in that fair and dispassionate manner which became a judicial proceeding of such extreme importance."

This observation met general approbation, and the ATTORNEY GENERAL said, that if it was the pleasure of the Committee, he would then call General Clavering to the Bar.

It having been suggested that the General's letter should be entered on the minutes,

The SPEAKER rose to express his opinion that such a proceeding would be unnecessary, and that it would be enough simply to enter in the minutes, that an Hon. Member had received an intimation from General Clavering, that he desired to be examined at the Bar of the House.

This was accordingly done; but on the Chairman's ordering General Clavering to be called in, the Sergeant intimated that he was not there.

DAVID PIERSON was called in to be re-examined.

Mr. Wardle. Q. Do you recollect the period at which his Royal Highness the Duke of York and Mrs. Clarke left town in June, 1805?

A. I do.

Mr. YORKE, after exclaiming "to order," moved
E c 3 that

that the witness should withdraw, and observed that as the witness had been examined before, with respect to the bank-note, the regular mode of proceeding would be to have his former evidence read to him, and then to ask him if he wished to give any explanation of it."

[Witness ordered to withdraw.

The CHANCELLOR of the EXCHEQUER did not think it the proper mode to examine the witness over again, with a view to his giving evidence in this instance directly contrary to what he had given on his former examination. "In a court of justice, a witness would incur the guilt of perjury, by swearing one day, the contrary of what he had sworn on another. He agreed therefore with his Right Hon. Friend, that the most correct mode of proceeding would be to have his former evidence read to the witness, to give him an opportunity to explain it."

Mr. WHITBREAD said that, "according to the constant practice of Committees of that House, a witness might, without being guilty of perjury, correct on a subsequent day his evidence given on a former one. He agreed, however, that the best mode of proceeding would be to read over the former evidence to the witness, and allow him to alter or amend it."

Mr. S. BOURNE insisted that "there never had been an instance, in which a witness had been called into a Court of Justice, with a view to correct any material part of his former evidence."

Mr. W. WYNNE denied that the witness was to come to the Bar to state, that what he had before deposed was false, "but in order to supply what he had forgotten on his former examination, in consequence of an habitual head-ache."

Mr. BARNHAM thought that "the Committee was losing time and ground, and that it was better to defer any opinion upon the witness's testimony until they should hear it."

Mr. B. BATHURST. "It could not yet appear whether the witness would be guilty of prevarication or false-

falsehood, nor could that be known until the Committee should hear what he had to say."

DAVID PIERSON was again called in, and
Examined by the Committee, as follows:

CHAIRMAN. The Witness will attend to the evidence; and if in the course of the reading of it, he shall perceive any thing which he may wish to correct, he is at liberty to make the correction.

[The evidence given by the witness on the 7th instant, being read,]

Mr. Kettle. **Q.** Is there any part of that evidence on which you wish to make any observation, or alteration, or any addition?

A. No alteration. On the night that the Duke of York went to Weymouth, about eleven o'clock at night, I was sent out to get a bill changed; I went out and got it changed, and brought it in, and returned it to Mrs. Clarke; she looked it over, and said it was all right.

Hon. Mr. Yorke. **Q.** Do you add any thing else to your evidence?

A. The Duke of York was present when I gave the bill to Mrs. Clarke, and received it from Mrs. Clarke.

Mr. S. Bourne. **Q.** With whom have you had any conversation respecting the evidence you gave when you were here last?

A. Not any body.

Q. Have you spoken with nobody about it?

A. With nobody; I have not spoken to any one about it.

Q. Have you seen Mrs. Clarke, since you gave your evidence here last?

A. No, I have not.

Q. Did you see Mrs. Clarke, when you retired from the bar on the former day?

A. I saw her, but I did not speak to her.

Q. Did she speak to you?

A. She

A. She just bowed her head, and said, " Pierson; " I said, " I have been examined, Ma'am."

Q. Did she say any thing else to you?

A. Not any thing.

Q. Are you positive that no other person has spoken to you on the subject of the evidence you gave here, or you to them?

A. I met Ludowik in the Park, and he asked me; he said that I might be mistaken, yet he could not recollect any thing about it.

Q. Was that all that passed between you and Ludowik?

A. It was all that passed between him and me, except he said that I must make a mistake; that there was a bill brought down one morning, in his presence, of ten pounds by Mrs. Favourite, and given to a girl to go out and get change; and he thought I must have made a mistake about that bill.

General Loftus.—Q. Did not you make a communication to Mr. Wardle, or speak to him, to say that you wished to alter your evidence?

A. I called upon Mr. Wardle, and told Mr. Wardle, about the bill that I received from Mrs. Clarke, and went and got change for, and returned that night, in the presence of the Duke of York; I told Mr. Wardle that I had done that.

Q. What was the amount of the bill you got change for?

A. I think one hundred pounds but I am not certain.

Q. Do you adhere to your former statement, that you had spoken to no person on this subject since you were examined in this House?

A. I have not spoken to any person since I was examined.

Q. Where did you get that bill changed?

A. I got it changed at Mr. Byfield's and Mr. Bridgeman's; Mr. Bridgeman and his wife changed it for me, confectioners in Vere-street.

Q. Are Byfield and Bridgeman partners?

A. I believe they are.

Q. Did you try to get that bill changed at any other place?

A. Yes; I went to Mr. Stevens's in Bond-street, and tried

tried there, but they could not do it for me ; they sent out, but could not do it for me.

Q. How long have you left Mrs. Clarke's service ?

A. It is three years ago now.

Q. Have you seen her frequently since you quitted her service ?

A. I never saw her before I saw her at this House.

Q. Did not you see Mrs. Clarke in her chariot a day or two before you gave your evidence at this bar, or on the very day in which you gave your former evidence ?

A. The day before she sent for me into Baker-street, where she was in her carriage, to ask me, whether ever I had changed any bill, or knew any bill changed ; I said, I recollected Mrs. Favourite giving a bill to Ludowik, and his going and getting the bill changed, and bringing it back again ; and how I had taken a bill from her the night the Duke of York went to Weymouth, and got her change, and brought it back again ; she asked me the amount of it, and I could not tell her ; and she said she recollected that very well.

Q. Have you made any communication to Mrs. Clarke since that period, or do you know how it was communicated to her that you meant to alter your evidence ?

A. I have not seen or made any inquiry of any thing to Mrs. Clarke.

Lord Folkestone.—Q. How do you account for the circumstance, that at your last examination you did not recollect the particulars which you have now related to the Committee ?

A. I had a very bad head-ach, and when I have the head-ach it affects my memory, that I am very forgetful, and I did not think of it ; and at the same time, when I was asked about the Duke's servant, I thought I must not answer, as I was Mrs. Clarke's servant ; or I had thoughts of it then, but as I was not asked, I wished rather to withdraw.

Q. Are you labouring under that suffering at the present moment ? — **A.** Not now.

Chancellor of the Exchequer.—Q. Then it was not merely from

from the defect of memory occasioned by your head-ach that you did not state the circumstance on your former examination?

A. Yes, it was from that that I did not recollect it; being a stranger, and never at the Bar before, I did not know what to say.

Q. Did you recollect at the time that you were here before, what you have stated?

A. I had some recollection, but I could not tell the sum of the bill, or any thing; but I have since recollected that I believe the bill I changed that night at eleven o'clock was one hundred pounds or thereabouts.

Mr. Ellen.—Q. Did you know before you came to the bar this evening, that you were to be re-examined upon this point?

A. No, I did not.

Q. Do you recollect what time of the night it was that the Duke of York set off to Weymouth, on the night this was changed?

A. Near one o'clock in the morning.

Mr. Fuller. Q. Did you not know when you were the last time at this bar, that you were to tell the truth?

A. I have told the truth, to the best of my knowledge.

Mr. BARHAM desired the two first questions, and the answers thereto, to be read. They were read accordingly.

Mr. Barham. Q. How could you state that you had spoken with nobody on the subject of the evidence you have given before, when you immediately afterwards declared you had spoken both with Mr. Wardle and Ludowik?

A. I did not think what I said then.

Mr. Vereker. Q. How do you reconcile your memory, being so perfect in every other part of the transaction, and not so perfect as to the amount of the note you got changed?

A. I am not certain of the amount of the note, no further than I think, to the best of my recollection, it was one hundred pounds.

Mr. Smith,

Mr. Smith. Q. Do you know a Miss Taylor?

A. I have seen her at Mrs. Clarke's.

Q. Was she frequently at Mrs. Clarke's?

A. She was frequently at Mrs. Clarke's.

Q. Was she ever there when the Duke of York was there, and in his company?

A. I believe not. I do not recollect to have seen her in his company; she might have been in the house.

Q. Was she usually part of the society when the Duke of York was there?

A. I never saw her in company with the Duke of York.

Q. Was she very intimate with Mrs. Clarke?

A. I believe very intimate.

Mr. D. Giddy. Q. Are your head aches of such a nature as to require medical aid?—A. No.

[The Witness was directed to withdraw.]

Mr. SHERIDAN observed, that the Committee ought to be very tender in admitting insinuations against the veracity of a witness under examination at their bar. He instanced the question put by an Hon. Member opposite * “whether the witness did not know he was to tell truth?” as an attempt to cast a reflection upon the credibility of the person under examination, which the Committee would not fail to discountenance;” and when proceeding to comment upon the course that had been pursued, Mr. Sheridan was called to order by

The CHANCELLOR of the EXCHEQUER, who “thought it unusual to order a witness to withdraw, that the Committee might receive a lecture upon the course of examination. If such a proceeding were to be acquiesced in, no progress could be made with the inquiry. He would recommend to Gentlemen to abstain from all comment upon any part of the evidence until the whole should be gone through. He had not interrupted the Right Hon. Gentlemen out of disrespect, but in order that, by putting a stop to premature discussion of detached parts of the evidence,

* Mr. Fuller.

they might have some prospect of coming to an end of the Inquiry."

Mr. SHERIDAN " had not been commenting on the evidence, but on the mode of examination; and insisted that, if a course which he considered improper should be resorted to, he had a right to observe upon it. As to the note, they could easily satisfy themselves upon that head, by referring to Messrs. Byfield and Bridgman, who were said to have given change for it."

Mr. FULLER attempted to procure a hearing in vain amidst the cries of *Go on! go on!* and said, " that he thought the last question put by an Honourable Gentleman over the way,* a very sensible one."

A short conversation then took place upon a suggestion made by Sir CHARLES BURRELL, that every Member should continue standing whilst he was examining any witness at the Bar. Mr. Alderman COMBE approved of the proposal, but a motion pursuant to the suggestion was withdrawn, on its being understood that the Chairman was to ascertain and intimate when any Member was done examining, before any other Member should enter on the examination of a witness.

[The Witness was again called in, and examined]

Mr. Giddy. Q. Are your head-achs such as to require medical aid?—A. No.

Mr. Lushington. Q. What did you understand to be the real profession of Miss Taylor?

A. I am quite a stranger to it.

Lord Folkstone. Q. Do you ever recollect Miss Taylor dining in company with Mrs. Clarke at Gloucester-place?

A. Yes, I do.

Q. Did the Duke ever dine there at the same time?—A. No.

[The Witness was directed to withdraw.]

[Brigadier General CLAVERING having stated to a Member of the House, that he was desirous of being examined,

Bri-

Brigadier General CLAVERING was called in
and *Examined by the Committee*, as follows :

Attorney General. Q. Have you sent a letter to me this evening?—A. I did so.

Q. Desiring that you might be examined?—A. I did so.

Q. When did you first know Mrs. Clarke?

A. I believe it was about six years ago; I am not exactly precise as to the date.

Q. For what purpose did you call at Mrs. Clarke's house recently?

A. It was in consequence of a report that I heard, that every person in town with whom Mrs. Clarke had ever had any conversation, was to be called before this Honourable House for the purpose of pledging to her veracity, and I heard among others that my name was introduced; I accordingly addressed a letter to an Honourable Member of this House, Colonel Wardle, a copy of which letter I have in my pocket, if it is necessary to produce it.

[General Clavering read the letter.]

" Sir,

" 8th Feb."

" It has been intimated to me, that a letter has been addressed to you by Mrs. C. which is to be brought forward before the House of Commons, wherein my name is introduced as being capable, among others, of speaking to her veracity. Should this be the case, I am most urgently to request that my name may be expunged from the said letter. My testimony, moreover, would mar the very point which she is desirous of supporting, since she told me very lately that she was living with Mr. Mellish; since, being a family man, the world would be inclined to attribute improper motives for my acquaintance with a lady in her situation

" Being particularly anxious in this business, I wish to have the honour of seeing you upon it; and presuming that twelve to-morrow will not be an inconvenient hour, will wait on you at that time."

I accordingly, at twelve yesterday, did call upon Mr.
No. X. F f Wardle,

Wardle, and I stated to him the purport of the letter which I have had the honour of reading to you; and I further stated, that if it was Mrs. Clarke's intention to summon me before the House, my testimony must certainly go to impeach her veracity, because it is not above a month since that she absolutely stated to me that she was living with a Mr. Mellish. On my return, after leaving Colonel Wardle's house, it lay in my way to pass by Mrs. Clarke's door, and it occurred to me that probably it might be a service also to state the same circumstance to her; I called there, and she denied herself, and said that she was extremely ill in bed, but that if I would call in two hours, she would see me; I replied, that it would not be in my power to call at that time; she then sent me word she was to be seen at home at five o'clock, if I called at that time; I accordingly did call about a quarter after five, and did not see her: the purport of it was to inform her, that if she did call me, I should be under the necessity of stating what I have now had the honour of stating.

[The Witness was directed to withdraw.]

Mr. BANKES took the liberty of reminding the Right Honourable and Learned Gentleman, that the Committee could not as yet admit of any knowledge on the part of the witness of the former evidence of Mrs. Clarke. It was then suggested that Mrs. Clarke's evidence should be referred to.

The part of the evidence of Mrs. Clarke referred to having been read,

Mr. ADAM declared, that there did not appear to be the slightest contradiction between the testimony of Mrs. Clarke, and that of General Clayering.

[The Witness was again called in.]

Q. Is there any thing else which you wish to state to the House?

* The first answer to this was, "If I may rely on the reports in the Morning Papers." Here the Chairman interferred, and said, "I am to inform the witness that it is contrary to the usage of this House to allow any references of the description alluded to by him."

Q. Is

A. If I may judge from the accuracy of what I have heard, I understand my name was further brought forward last night, as having attempted to influence the vote of an Honourable Member of this House. I declare, upon my honour, to the best of my recollection, I never spoke to that Honourable Person upon the question, and it was perfectly unnecessary for me so to have done, because the Honourable Gentleman always did vote upon the side on which he then gave his vote.

Attorney-General. *Q.* Did you ever represent, that you had influenced that person to give his vote upon that occasion?—*A.* Never.

Mr. Sheridan. *Q.* Did you exert yourself to bring up Lord John Campbell from Scotland, to vote upon the Defence Bill, towards the latter end of 1805, or the beginning of 1806?

A. To the best of my belief and recollection, I never wrote to him nor spoke to him upon the subject.

Q. Did you at any time during your acquaintance with Mrs. Clarke, promise to send her recommendations of any officers?

A. Never; but it will be necessary to explain the answer that I gave there more fully. About six weeks ago I received a letter from Mrs. Clarke, stating her inclination to see me; I called upon her, when she informed me she was extremely anxious to promote a young man who was a Lieutenant in the 50th Regiment, and that his Royal Highness the Duke of York was also anxious he should be promoted, and that Mr. Greenwood was also anxious he should be promoted. I was just then returned from abroad. She informed me a regulation had been lately entered into, that any Member of Parliament or a General Officer writing a letter to Colonel Gordon, that recommendation would be taken into consideration immediately; I informed her I was not aware of any such regulation, and that previous to my taking any step of that kind, as it was totally unknown to me, I must know that that person was a deserving character. She accordingly, about two days afterwards

wards, inclosed me a letter signed by Lieutenant Colonel Ross, of the 20th regiment, stating that Lieutenant Sumner, the officer in question, was a very deserving character. In order to be satisfied that this letter was written by Lieutenant Colonel Ross, I went to the house of Messrs. Greenwood and Cox, and shewed the letter to the head clerk, who informed me that it was the signature of Colonel Ross; I afterwards informed her that it would be absolutely necessary that a proper letter should be written to me on the subject, and as she had told me this Lieutenant Sumner, was a nephew to Mr. Sumner, an Honourable Member of this House, I desired this letter should be written by him to me. Accordingly, a few days afterwards I received a letter, which was absurd in the extreme, dated from the Temple, and dated something sooner; the letter was so extremely absurd, that I returned it to Mrs. Clarke, stating in my letter that if she meant it as a joke, it was an extremely bad joke, and that if I sent it to the War Office, it would be very badly received; and I concluded, that I was her humble servant. A few days afterwards, she sent me another letter, signed by this same Mr. Sumner, which letter I have in my pocket, but which second letter I took no notice of, in consequence of the extreme absurdity of the former.

[The letter was delivered in and read.]

"Sir,

" My brother, Lieutenant Sumner of the 20th Foot, being desirous of purchasing a Company in the 79th Regiment, and having served in the above-mentioned Corps with the entire approbation of his Commanding Officer, (if not in that in any other old Regiment of the Line,) I take the liberty of requesting, that you will adopt the necessary steps for promoting his wishes by such recommendation of him, to the Duke of York, as his conduct appears to merit, and you will confer a very great favour on

" Your most obedient

" humble servant,

" Temple, Jan. 17, 1809."

" CHARLES C. SUMNER."

" Brigadier General Clavering."

Mr. Smith. Q. Did Mrs. Clarke represent to you who this Mr. Sumner was, from whom the letter came?

A. She

A. She informed me upon my first interview with her that he was a nephew of Mr. Sumner, the Member for Surrey.

Q. Were you informed who the Mr. Sumner was, who was supposed to have written that letter?*

A. I never was informed who the Mr. Sumner was, who wrote that letter, but I have been informed this evening, that there is no such person in existence.

Sir Thomas Turton. Q. At either of the times you called upon Mrs. Clarke yesterday, did you leave any and what message, and with whom?

A. If I mistake not, I stated that to the Honourable House before; I left no other message than that I should call at about a quarter after five, as she had appointed that time for being at home.

Q. Did the Gentleman who was with you, leave any message in your hearing?

A. There was no person with me.

Q. At either of the times?

A. On the second time, I certainly said it was extremely extraordinary that she had gone out, when she had appointed that time for seeing me.

Q. Did you leave any message purporting what was the nature of your visit to her?

A. I left no message whatever, but that which I have had the honour of stating.

Q. I understand you to say, that you impeach the credibility of the testimony of Mrs. Clarke, upon the ground that she represented herself to be living with a Mr. Mellish; did she represent herself to you as living with Mr. Mellish the Member for Middlesex?

A. She did not say that he was the Member for Middlesex.

Q. Have you any, and what reason to suppose that she did not live under the protection of a Mr. Mellish?

A. That which passed in this honourable House a few evenings past; it was proved that she did not live with Mr. Mellish.

* Here the *Chairman* added, "The object of this question is to learn whether you know the person who wrote the letter?"

Q. Then I understand you to say, that you have no other reason for impeaching the credibility of the testimony of Mrs. Clarke, but the statement that she lived under the protection of a Mr. Mellish?

A. Not any, that I am at present aware of.

Q. Have you any reason, independent of any circumstances that you have read or heard of, to impeach her testimony, or to consider her not worthy of belief?

A. I certainly do not conceive her worthy of belief, from having imposed upon me in the manner she had, and from the variety of contrary evidence it does appear she has delivered before this Honourable House.

[The Witness was directed to withdraw.]

It was proposed by Mr. ADAM, that the latter part of the answer should be erased from the minutes.

Sir THOMAS TURTON contended, that as the witness had stated the sources from which he had formed his opinion against the credibility of the witness, the answer ought to be continued upon the minutes, in order that the ground of his objection to the veracity of Mrs. Clarke might be recorded with the objection.

Mr. ADAM had only wished the latter part of the answer to be expunged, because it was contrary to the usage of Parliament to allow a witness to refer to its proceedings.

The answer was suffered to remain on the minutes.

[The Witness was again called in.]

Sir Thomas Turton.—**Q.** How has she imposed upon you?

A. By having informed me that she was under the protection of Mr. Mellish, which I understand not to be the case.

Q. How do you understand that not to be the case?

A. From its appearing to have been proved to the contrary before this Honourable House.

Q. Have you any other reasons whatever, than those you have stated, to believe that she has imposed upon you?

A. None,

A. None, that I am at present aware of.

Mr. Charles Dundas.—Q. Have you not stated in evidence to this Committee, that she has imposed upon you by stating that there was a false letter written to you in the name of Sumner?

A. If I am correct in my recollection, I did not state this evening that she had imposed upon me on that account.

Q. Have you not stated, that in the case of the Defence Bill your name had been used, which you denied to be true?

A. I stated that I had heard so, but not from herself.

Mr. Wardle.—Q. Are you acquainted with Miss Taylor.

A. If it is the Miss Taylor who has been examined before this House, I certainly have seen her at Mrs. Clarke's.

Q. Have you frequently seen her at Mrs. Clarke's in Gloucester-place?

A. I may have seen her probably twice or three times there.

Q. Was she there as the friend and companion of Mrs. Clarke, when you saw her there?

A. I certainly believe not, because Mrs. Clarke informed me, that she kept a Boarding-school at Chelsea.

Q. When she was in Gloucester-place, was she not upon a visit to Mrs. Clarke, and associating with her, living with her for the day?

A. That is more than I can reply to, not recollecting having ever been in Gloucester-place more than twice.

Q. Did you not state that Mrs. Clarke had informed you that a regulation existed, by which a letter of recommendation of an Officer, requesting promotion, forwarded by a Member of Parliament or a General Officer, would obtain consideration; and have you ascertained whether such a regulation does exist?

A. I certainly have informed myself, that any application from an honourable Member of Parliament, or from any General Officer, will always meet with attention at the Office of His Royal Highness the Commander in Chief.

Q. Is the sense in which you understand attention will be bestowed upon a letter so sent, the sense in which you understood

understood the communication you received from Mrs Clarke?

A. I really do not understand the question.

Right Hon. Mr. Rose.—Q. Do you understand the regulation, as you suppose it to exist, to be the same as she described it to you?

A. Certainly not, because she gave me reason to understand, that during the time I was absent abroad on foreign service, a regulation had been issued, and no regulation had been issued upon the subject; I cannot say that she absolutely in those direct words said so, but she gave me to understand it, and I did so understand it.

Q. In what respect does the representation she gave of this regulation, and what you understand to be the practice of the Commander in Chief, differ?

A. They differ most widely, in consequence of no such regulation as she informed me of having ever been issued; but it was always understood, that a recommendation from a Member of this House would be attended to, provided the object so recommended, on further inquiry, was found worthy of promotion.

Mr. C. C. Western.—Q. You have stated, that you called at Mrs. Clarke's twice recently, to request that you might not be called upon to speak to her veracity; had you any other communication with Mrs. Clarke relative to the subject now undergoing the consideration of this Committee?

A. I certainly had another object in view besides, that I did not wish my name to be brought forward in a case of this kind, because the world might naturally imagine, that, having had any communication with a lady of that description, it might have been a communication of a criminal nature, which upon my honour, never did exist.

Q. Had you no other reason for requesting that you might not be called upon?

A. None but what I have had the honour of stating to this Committee.

Mr. Herbert.—Q. You have stated, that you impeach the credibility of the evidence of Mrs. Clarke, because she told you that she lived under the protection of a Mr. Melish,

lish, which you think contradicted by the evidence that came before this Committee; what reason did she give you or what reasons induced you to suppose that the Mr. Melish she alluded to must be the Member for Middlesex?

A. If I am correct; I did not say that it was Mr. Melish, the Member for Middlesex.

Mr. Quin.—Q. Having stated that you called twice upon Mrs. Clarke, to request that your name should not be mentioned, or that you should not be called upon to give any testimony against her; what motives had induced you to come now to give this evidence?

A. Because my name having appeared in the public papers, I was desirous of wiping away the imputation which I have already referred to.

Hon. Mr. Lamb.—Q. Are you acquainted with Mr. Dowler?

A. I never heard of him, excepting through the medium of the public prints.

Q. Do you recollect having had any conversation with Mrs. Clarke upon political transactions, at the period of 1804 and 1805?

A. I have no recollection of any conversation of the kind; I am certain that none of that nature then took place.

Q. No conversation on the subject of the debates that were taking place in this House, and who was likely to vote on one side, and who on the other?

A. I have no recollection of any circumstance of the kind, and I am almost positive that no conversation of that nature ever did take place, as it was a business in which I did in no way whatever concern myself.

Mr. J. Smith.—Q. Had you any communication whatever on the subject of Army Promotions with Mrs. Clarke?

A. I never proposed any conversation of that kind, nor do I recollect any having ever existed, excepting at the period I before alluded to, when she requested I would recommend to the consideration of the Duke of York, Lieutenant Sumner, of the 20th regiment.

Q. I

Q. I understand you then to say, you had never at any time any communication or conversation whatever with Mrs. Clarke on the subject of Army Promotions, except in the case of Lieutenant Sumner?

A. Certainly not, as being the subject of conversation.

Q. Had you any incidental conversation with Mrs. Clarke upon that subject?

A. A period of so many years having elapsed since that time, it is impossible to speak positively and accurately to a question so close as that, but to the best of my belief I do not think I had.

Mr. Wurdle.—Do you of your own knowledge know that Mrs. Clarke used her influence in favour of any person whatever in the Army with the Commander in Chief?

A. I do not.

Q. Do you of your own knowledge know of any person that asked her to use her influence with the Commander in Chief upon that subject?

A. I am not acquainted with any person that ever did; I have heard reports of that nature, but I cannot bring to my recollection any person positively.

Q. Then you state positively that you do not know of any transaction of that nature?

A. None, to my certain knowledge.

Q. Give a direct and positive answer to that question.

A. I do not know of any transaction of that nature.

[The Witness was directed to withdraw.]

The witness being ordered to withdraw, the Marquis of TITCHFIELD rose and observed, that the story some nights since mentioned to the House, respecting an office in the city, in which the name of a noble relation of his was implicated, appeared to him, as it must to the House and the Public, so completely ridiculous, that he thought it unworthy of any attention on his part—but he now understood that there was a letter on the table, referring to a particular transaction, with regard to which he wished to submit some explanations to the House—the Mr. Baseley mentioned

ed in the letter alluded to, called at his noble relation's house—

Mr. WHITBREAD wished to know whether the Noble Marquis was offering his statement as evidence? It appeared to him that it ought to be entered in the minutes. In consequence of a circumstance, which incidentally came out last night in evidence, a Committee had, this day, been appointed to investigate some concerns connected with the East India Company, and possibly a Committee might become necessary, with regard to the affairs of the Treasury also.

The CHANCELLOR of the EXCHEQUER observed, that the only difference was as to the expediency of entering the Noble Lord's statement in the minutes. In his judgment, that did not appear necessary, particularly as it referred to a point not properly relevant to the professed object of the inquiry.

Mr. WHITBREAD suggested, whether, as the point deemed irrelevant by the Right Honourable Gentleman was already in the minutes, it would not be better, that the Noble Lord's explanation of it should be inserted there also.

Mr. ROSE thought it not material to press the question, whether the Noble Lord's explanation should be inserted in the minutes or not, although certainly wide of the original object for which the Committee was appointed; but this was but one of many instances, in which the Committee had gone astray.

Mr. WILBERFORCE wished the Noble Lord's statement to be inserted in the minutes.

Mr. SHERIDAN thought the proposed statement should be inserted among the evidence, to enable the House to judge of the case. If it appeared, that Mrs. Clarke had made an improper use of the name of the Duke of York, the inference would be pretty strong, that she had made an equally improper use of the name of the Duke of Portland. The Right Honourable Gentleman concluded, with putting a question to the Marquis of Titchfield, to state, as evidence, what he had

to

to offer relating to the application of Baseley to the Duke of Portland.

The MARQUIS of TITCHFIELD, a Member of the House attending in his place, was examined as follows :

Q. Will your Lordship state every thing you are acquainted with as to an application from the Rev. Mr. Baseley to the Duke of Portland?

A. Mr. Baseley called upon the Duke of Portland on the 3d of January, not being able to see him, left this Letter, which the Servant gave to my noble Relation; it is dated N^o 9, Norfolk-street, Grosvenor-square.

[The Marquis read the Letter.]

" MY LORD DUKE,

" *Norfolk-street, Grosvenor-square.*

" I wished particularly to see your Grace upon the most private business. I cannot be fully open by Letter. The object is, to solicit your Grace's recommendation to the Deanery of Salisbury, or some other Deanery, for which the most ample pecuniary remuneration I will instantly give a draft to your Grace.

" For Salisbury, Three Thousand Pounds.—I hope your Grace will pardon this, and instantly commit these lines to the flames.—I am now writing, for the benefit of Administration, a most interesting Pamphlet. Excuse this openness; and I remain your Grace's

" Most obedient and obliged Servant,

" T. Baseley."

" P. S. I will attend your Grace whenever you may appoint, but sincerely beg your Grace's secrecy."

Indorsed :

" *Delivered by the Writer himself to my Servant, on Tuesday 3 Jan. 1809, at B. House, P.*"

This Letter was delivered by the Writer himself, and is indorsed by the Duke of Portland, the 3d of January in the present year. Upon receiving this Letter, my noble Relation, finding that the Writer of it was gone, gave particular orders that Mr. Baseley never should be admitted into his house, and the same day wrote a Letter to the Bishop of London, of which I have

have a copy in my hand, inclosing the note which I have just delivered in at the Table.

[The Marquis read the Letter.]

" Burlington House, Tuesday 3 Jan. 1809."

" MY LORD,

" The Person by whom the Note inclosed was left at my house this morning being possessed, as I understand, of one if not of two Chapels in your Lordship's Diocese, I consider it to be incumbent upon me, from the sense I have of the duty I owe to the public, as well as from my respect for your Lordship, not to suffer you to remain uninformed of it; and I accordingly take the liberty of laying it before you.

" I have reason to believe that the Note is written by the Person whose name is subscribed to it, as I have heretofore received Notes or Letters from him, the writing of which, to the best of my recollection, very much, if not exactly, resembles that of the Note enclosed; and one if not more of which was written at my house in consequence of my declining to see him. The Note inclosed, however, he brought with him; and on my desiring to be excused seeing him, he gave it to my servant, and immediately left my house.

" As I have no Copy of the Note, I must desire your Lordship to return it to me."

Indorsed :

*" To the Lord Bishop of London,
3d Jan^r. 1809.*

I do not know whether it is necessary I should read the Letter which my noble Relation received from the Bishop of London in consequence.

[The Marquis read the Letter.]

" Fulham House, Jan. 5, 1809.

" MY LORD,

" It is impossible for me to express the astonishment and indignation which were excited in my mind, by the perusal of the Letter which your Grace has done me the honour of enclosing; a mark of your attention for which I must beg you to accept my best thanks.

" It is too true that this wretched creature Basely has one if not two Chapels in my Diocese. I have long known him to be a very weak man, but till this insufferable insult upon your Grace, I did not know he was so completely wicked, and so totally void of all principle: And as your Grace is in possession of the

No. X.

G g

" most

" most incontestible proofs of his guilt, you will, I trust, inflict
" upon him the disgrace and the punishment he so richly de-
" serves.

" I have the honour to be,

" With the highest respect,

" My Lord,

" Your Grace's most humble and obedient servant,

" Fulham House, 5th January, 1809."

" B. London."

Indorsed:

" The Bishop of London."

That is the whole of the Transaction.

Mr. THOMAS PARKER was called in, and
Examined, as follows :

Q. Are you furnished with your Books of Accounts ?

A. I have no more than I had yesterday, nor I do not understand that there is any more ; I was not acquainted that I was to attend at the House this evening 'till I had the summons, but I sent to desire them to let me have all the Books and Papers that had Mrs. Clarke's name upon them.

[The Witness was directed to withdraw.

Mr. WILLIAM TYSON was called in, and
Examined by the Committee, as follows :

Mr. Wardle. — Q. Have you got any account of Checks of his Royal Highness the Duke of York, that were sent in to your house by the late Messrs. Birkett of Princes-street ?

A. Not any.

Q. Have you any Notes of Hand, or Bills ?

A. Not any.

Q. Have you any memorandum in your books of any such Bills having passed through your house ?

A. Not to my knowledge.

Q. Have you the late Messrs. Birkett's accounts at your house ?

A. Yes, we have.

Q. Have

Q. Have you examined those accounts before you came here this evening?

A. Yes, I have.

Q. Was not the Order that you received, to bring those accounts with you?

A. It was.

Q. Why did you not comply with that Order?

A. I have brought a statement of Birkett's checks.

Q. Had any body spoken to you upon this subject before you were served with a summons this day?

A. No one.

Q. Do you take upon you to say that nobody to your knowledge has been at your house upon this subject, within these last ten days?

A. Not to my knowledge.

Q. Are you a partner in the house?

A. I am not.

Q. Why was it you did not comply with the Order of the House?

[The Order was delivered in and read.]

Q. You have stated, that you have a List of Checks with you, what is that List?

A. In the year 1803, October 7, Parker and Birketts draft payable to Clarke or bearer for one hundred and twenty pounds; in the year 1804, April 26, payable to Clarke or bearer fifty pounds; August 11, payable to Clarke or bearer seventy pounds; September 15, payable to Clarke or bearer fifty pounds; in the year 1805, March 13, payable to Clarke or bearer three hundred and sixty-four pounds. That was the whole I saw payable in the name of Clarke.

Q. Whose Checks are those; by whom are they drawn?

A. The first four I believe were drawn by Parker and Birketts; the remaining one by Birketts and Dockery.

Q. You have stated that you have examined Messrs. Birketts account, and find in that account no Checks whatever

by His Royal Highness the Duke of York, as having passed through your hands?

A. My instructions were to see what checks were drawn by Birketts and Dockery in favour of Mrs. Clarke, which I have done.

Q. Do you happen to know that any Bills were ever left at the banking-house of Marsh and Company by Messrs. Birketts, in which Mrs. Clarke's name appears to have been the drawer or the acceptor?

A. I have no knowledge of any.

[The Witness was directed to withdraw.]

COLONEL LORAINÉ was called in, and

Examined by The Committee, as follows:

Chancellor of the Exchequer. *Q.* Did you hold any situation in the Commander in Chief's Office, at the time when Colonel French's Levy was first instituted?

A. I did.

Q. What situation did you hold at that time?

A. Assistant Military Secretary.

Q. State what you know respecting Colonel French's application to be permitted to raise a Levy of men at that time?

A. It came in the usual course of office and passed regularly through the office, and was examined as all things of that kind are; and every pains taken to ascertain whether it was a Levy that would answer the purpose or not.

Q. Did the application of Colonel French come to the office in writing, in the first instance?

A. It did.

Q. Can you produce that writing?

A. These are the terms which were produced in the first instance.

[The Terms were read.*]

Q. What was done upon this proposal?

* See Appendix, No. 1.

A. It

A. It appeared to have lain by for some time, and Colonel French wrote another letter.

[Note was read, dated March 5th 1804.*]

Q. What situation did Colonel Clinton hold at that time?

A. Military Secretary to the Commander in Chief.

Q. Was any answer sent to that note by Colonel Clinton?

A. To the best of my recollection when this note came to the office it was sent to me, and I was desired to examine the terms that were offered by Colonel French. At that time I was in the habit of consulting and communicating with General Hewitt, who was then Inspector General of the Recruiting Service, and I shewed the Terms to him, and he desired that Colonel French might be referred to him; in consequence of that, a reference was made, which I believe will appear by the correspondence.

[A letter read, dated Horse Guards, 7 March 1804.†]

Q. Do you recollect what was the next step taken upon this proposal?

A. As far as I recollect, Colonel French applied to General Hewitt, as directed; and General Hewitt of course examined the Terms that he proposed, and modelled them as he thought fit for the Commander in Chief's consideration; and after it had gone through the whole of the regular course in the office, the Letter of Service was issued by the Secretary at War, which is usual in those cases.

Q. Is there any Letter of March 20th?

A. Yes, there is; Colonel French made various representations with regard to his Levy, before it was finally settled.

Q. Can you, by referring to those papers, give any account of those different applications?

* Appendix, No. 2.

† Appendix, No. 3.

A. There is one representation of the 20th of Ma which I hold in my hand.

Q. Is there one of the 18th or 20th of April?

A. There is a Copy of a Letter from Colonel Clinton of the 18th of April, returning the Proposals, with the Commander in Chief's Remarks thereupon.

[The Letter was read.*]

Q. The Proposals, in short, after having been referred to General Hewitt, were accepted with certain alterations, which appeared in *red ink* in the margin of that paper?

A. They were.

Q. Are you aware of any other alterations that took place in the course of the Levy, and how were they introduced, if any?

A. To the best of my recollection, the bounty was raised at two different times during that Levy, because the bounties to the regiments of the line had been increased.

Q. Are there any Letters among those papers which give an account of that circumstance?

A. Unless I had time to look over the whole papers, I do not know that I could speak to it.

Q. Is the course of office, after the Levy is approved, to send it to the Secretary at War?

A. It must necessarily go to the Secretary at War, because it is by him that the Letter of Service is issued.

Q. Were you in office in April 1805?—**A.** I was.

Q. Will you see whether there is any Letter of the 16th April, 1805, from the Commander in Chief to the Secretary at War?—**A.** There is.

[The Letter was read.†]

Q. Subsequent to that Letter, do you recollect any application from Messrs. French and Sandon, proposing some alterations in this Levy?

* Appendix, No. 6.

† Appendix, No. 20.

A. Yes,

A. Yes, I have a Proposal of the 20th of April.

Q. What is the effect of that proposal ?

A. They proposed 'that' a certain number of Officers should be employed in the Levy, of a different description from what they had before ; that appears to be the drift of it, and also a change with regard to the Non-commissioned officers.

Q. Was there any answer to that Letter ?

A. There was, of the 25th April, 1805, a Letter from Colonel Gordon.

[The Letter was read.*]

Q. What situation do you now fill ?

A. I am one of the Commissioners for the Affairs of Barracks.

Q. What situation did you hold before you were a Barrack Commissioner ?

A. I was Lieutenant Colonel of the 91st regiment, and Assistant Military Secretary to the Commander in Chief.

Q. How long were you Assistant Military Secretary to the Commander in Chief ?

A. About seven years.

Q. What was your rank in the Army when you first became Assistant Military Secretary ?

A. Major^d of the 9th Regiment of Foot.

Q. Did you purchase the Lieutenant Colonelcy ?

A. I did not.

Q. Did you ever join your regiment as Lieutenant Colonel ?

A. Never ; when my regiment was ordered on service I twice offered to join my regiment, and the Commander in Chief did not accept either of my offers, saying, I must remain in my present situation, meaning at the Horse Guards ; after this, I did not think that it would be becoming in me to offer again, because it might appear that I was volunteering my services, when I knew my services would not be accepted ; and I beg leave to add, that before I

came to the Horse Guards I had been twenty-two years in the service, and constantly with my regiment ; and therefore I did not think that I was so peculiarly called upon as perhaps a young man who had never seen any service.

Q. Are you now in the Army?

A. In consequence of having served twenty-nine years, when I accepted of a civil situation in the Barrack Department, His Majesty was graciously pleased to allow me to retain the rank I now hold, but that rank is not to be progressive.

Q. Did you sell your Lieutenant-Colonelcy? **A.** I did.

Q. At what price?

A. I know of no other price but the regulated price allowed by His Majesty.

Q. Where have you served?

A. I served four campaigns during the American War, in America ; I have served between five and six years in the West Indies ; during that period I served with the late Lord Grey at the capture of the French West India Islands ; and I have served on the Continent of Europe.

Q. Did Colonel French's Levy go through all the ordinary stages in the Office ; was there any thing irregular or out of the way in the manner in which it was proposed or adopted?

A. It went through the regular course of office, and if I may be allowed to say it, I think it was more hardly dealt with than any other Levy at that time going on, and for this reason, that General Hewitt, who was Inspector General of the Recruiting Service, had a great prejudice against any Officer that he considered a Recruiter.

Q. Were the different applications referred to General Hewitt before they were accepted?

A. I invariably laid every thing of the kind before General Hewitt that came into my hands ; as I had constant communications with him, it was impossible to find any opinion so good as his upon that subject.

Q. Were the suggestions of General Hewitt in the alterations that he proposed, adopted by the Commander in Chief?

A. To the best of my recollection, almost always in those cases.

Q. Do

Q. Do you remember in the course of those proceedings any alterations proposed by General Hewitt that were not adopted ?

A. I cannot exactly recollect that, but the whole of the proposals were modelled as far as possible according to his wishes and opinions.

Q. Is General Hewitt now in the kingdom ?

A. He is not ; he is Commander in Chief in the East-Indies.

Sir James Graham.—Q. Do the papers in your hands contain every written communication which has passed upon the subject of Colonel Freuch's Levy in the Commander in Chief's Office ?

A. It is impossible for me to answer that question, not being now in the Office, and having had no interference or hand at all in looking over these papers.

Q. Then you are not able to state that these are the whole of the communications upon this subject ?—**A.** No.

[The witness was directed to withdraw.]

FIFTH CHARGE

AGAINST

THE COMMANDER IN CHIEF.

Mr. JEREMIAH DONOVAN was called in and examined by the Committee as follows :

Mr. Wardle. Q. Did you know Major Tonyn, of the 31st Regiment ?—**A.** I did.

Q. Relate what you know respecting Major Tonyn's promotion from the 48th Regiment to the Majority of the 31st.

A. I believe it was about the month of March 1804, that Captain Sandon called upon me, and told me that he had an opportunity of promoting a Gentleman to a Majority ; if I knew of any Gentleman who had claims that would entitle him to it, he could forward the promotion. I mentioned this circumstance to Captain Tonyn, who was a very old

old officer, I believe he had served about 23 years. The terms upon which he was to obtain that promotion, as far as I can recollect, was five hundred pounds. Captain Tonyn waited for some time, and he became impatient. I believe about the month of May or June, he said, as there were a number of Field Officers to be promoted, he considered, as he had not obtained that promotion through Captain Sandon, in the mean time, he should withdraw his name from Captain Sandon, and take his chance in the regular line of promotion : in consequence of which I immediately waited on Captain Sandon, and apprized him of it. Captain Sandon requested that he might be introduced to Captain Tonyn; he was. Captain Sandon argued with him, and told him that it was in consequence of his recommendation that he would be gazetted. Captain Tonyn, on the contrary, said, that his father, General Tonyn, had recommended him for a Majority; and that, as he understood a vast number of Captains were to be promoted to Majorities on the augmentation, he certainly should be promoted without the interest of Captain Sandon; however, they agreed upon some terms; what they were I do not know, I had nothing to do further with the pecuniary transaction, nor did I know till the May twelvemonth following, the year 1805, how it was that Major Tonyn obtained that promotion.

Q. What did you know in the year 1805, to which that refers? *A.* I knew that Major Tonyn was promoted.

Q. Is that all you know?

A. But Major Tonyn's promotion came out in the general promotion of augmented Field Officers.

Q. Is that all you know?

A. That was all I knew till the year 1805. Major Tonyn, I believe, was gazetted in August 1804, and then, to my astonishment, I was informed by Mrs. Clarke that she was the person who had obtained that promotion.

Q. Do you know whether the five hundred pounds, were lodged upon the first agreement in the hands of any particular person?

A. The money, I believe, was not lodged in the hands of any person in the first agreement.

A. Do

Q. Do you know whether any money was lodged prior to the gazettement of Major Tonyn?

A. I did not know that any money was lodged prior to the gazettement of Major Tonyn.

Q. Do you know whether any money upon that communication was lodged at all or not?

A. I do not know that any money was lodged previous to that period.

Q. I do not ask previous to any particular period, but do you know that any sum of money was lodged with any body on that account?

A. There was no sum of money lodged on that account; but I believe, a Gentleman had undertaken to pay Captain Sandon the sum of money, which I understand was paid to Captain Sandon; but I do not know it.

Q. Do you know who that Gentleman was? **A.** I do.

Q. State who he was? **A.** Mr. Gilpin.

Q. Who was Mr. Gilpin?

A. An Army Clothier, an Agent to the 48th Regiment.

Q. Do you know at what period this sum was lodged with Mr. Gilpin?

A. I do not know that any sum was lodged with Mr. Gilpin; Mr. Gilpin, I believe, undertook to pay the money.

Q. Do you know that Mr. Gilpin did pay the money?

A. I do not, further than having been told so.

Q. Do you know of your own knowledge who did pay that money?

A. I do not, nor when it was paid, nor how it was paid.

Q. Who told you? **A.** Mrs. Clarke.

Q. What did Mrs. Clarke tell you?

A. She told me that she had received a sum of money for the promotion of Captain Tonyn to a Majority in the 31st regiment.

Q. Did Mrs. Clarke tell you what sum of money it was?

A. I do not exactly recollect what sum it was.

Q. Are you positive that you cannot recollect what sum it was? **A.** I am.

Q. Did Mrs. Clarke tell you from whom she had received that sum?

A. She

A. She told me she had received that sum, whatever it was, from Captain Sandon.

Q. You have stated, that Captain Huxley Sandon told you that he had the power of getting promotion ?

A. He did.

Q. State what passed upon that subject, as nearly as you can recollect, between Captain Huxley Sandon and yourself ?

A. Captain Huxley Sandon told me that he had the power of obtaining promotion through some Gentleman, a friend of his ; but Captain Huxley Sandon never told me who the person was through whom he did obtain the promotion, until I met him, and conversed with him upon the subject, in the room where the Witnesses had been waiting near this House.

Q. State who that person was, whom Captain Huxley Sandon named this night.

A. Mrs. Clarke.

Q. State whether Captain Huxley Sandon has ever stated to you his power of promoting Officers, independent of this one circumstance of Captain Tonyn.

A. At the same time he mentioned to me, that he could promote Lieutenants to Companies ; I think Captains to Majorities ; Majorities to Lieutenant-colonels ; and, in the first instance, he told me, it was in consequence of the new levies that were to be raised, or some augmentation to the army.

Q. Did Captain Huxley Sandon ever speak to you about other promotions, unconnected with those new levies ?

A. He never spoke to me as to any other promotions than those I have mentioned now ; I was imposed upon by the supposition, that it was new levies, or an augmentation to the army.

Q. You do not of your own knowledge know of any other transaction of the nature in which Captain Huxley Sandon was concerned ?

A. I believe that a Major Shaw applied, and that I left his papers in the hands of Captain Sandon ; but he could not obtain the promotion of Major Shaw.

Q. What was the promotion Major Shaw wanted ?

A. Per-

A. Permission to purchase a Lieutenant-Colonelcy, or to get a Lieutenant-Colonelcy without purchase, by paying a sum of money for it.

Q. And Major Shaw did not establish that wish?

A. Not through that channel.

Q. Through what other channel did he establish it?

A. Major Shaw's papers were delivered back to me, and returned to Major Shaw. I believe they were brought to me by a Mr. Macdougall, as I recollect, and I believe they were returned to Mr. Macdougall. Some time afterwards, Mr. Macdougall asked me, if I could procure that promotion for Colonel Shaw. A lady had called upon me, and said, that she had an opportunity of promoting Major Shaw's wishes.

Q. Who was that lady?

A. Mrs. Hovenden.

Q. Where does Mrs. Hovenden reside at present?

A. In Villiers Street, York-Buildings.

Q. At what Number?

A. At No. 29.

Q. Was that Lady at the House with you the other night?

A. She was.

Q. Is Major Shaw now at the Cape of Good Hope?

A. I really do not know, but I understood he got the promotion, and went to the Cape of Good Hope.

Q. State whether, through the medium of this Lady you have named, any other promotions have been effected in the army?

A. Not to my knowledge; it may be necessary to explain the business of Major Shaw, because it was not through that introduction at that period that Major Shaw obtained that.

Q. Was this the only circumstance of the sort that was carried through the medium of that Lady?

A. I know not of any that was carried, not even of that.

The witness here expressed a desire to explain more fully the circumstances with which he was acquainted, relative to the case of Major Shaw.

The CHANCELLOR of the EXCHEQUER intimated to the witness, that as the case of Major Shaw was a distinct question, which was fixed for a future day, it was proper that the Committee should at present abstain from any reference to it; particularly as it would be in its power to examine the witness upon it, when the investigation should take place.

Q. Do you know of any, that, through her medium was attempted?

A. I have heard her say that some were attempted, but I cannot say what they were.

Q. You do not know that any money was lodged, upon Captain Tonyn's attempt at promotion?

A. I do not: I have already explained that Mr. Gilpin, I understood, undertook to pay it, but that no money was lodged.

Q. You have stated, that Captain Sandon informed you that he had the means of promoting Lieutenants to Companies, Captains to Majorities, and Majors to Lieutenant-Colonelcies; in consequence of that information, did you negotiate such promotion?

A. I did not negotiate any promotion through Captain Sandon, except that of Major Tonyn, by introduction.

Q. Were you to receive any remuneration for that introduction?

A. I was.

Q. What were you to receive?

A. Twenty-five pounds.

Q. Did you receive it?

A. I did.

Q. Have you, since you were last examined, recollected any negotiation which you carried on for promotions in the Army, besides those which you mentioned in your last examination?

A. I have never thought of any.

Q. Are you now certain that those were the only ones in which you ever engaged?

A. I am not certain.

Q. You

Q. You have stated, that you learnt from Mrs. Clarke, in the year 1805, that she had received five hundred pounds?

A. No, I do not know the sum exactly.

Q. That she had received a sum of money in consequence of Major Tonyn's promotion; at what time of the year did you receive that information?

A. It was in the month of May, 1805; Major Tonyn had been gazetted in August 1804.

Q. Where was it you received that information from Mrs. Clarke?

A. At Mrs. Clarke's house in Gloucester Place.

Q. On what occasion were you at Mrs. Clarke's house at Gloucester Place?

A. I was there in consequence of a report which had been circulated, that I was the author of some scurrilous paragraphs against his Royal Highness the Duke of York. I had traced my information to Mrs. Clarke, and from her I traced it to Captain Sutton, but not the first time I saw her, and that was the reason I waited on Mrs. Clarke; I had no other introduction but that.

Q. Did you receive that information at your first visit or your second visit, or your third visit?

A. At my second visit, as near as I can recollect.

Q. Do you recollect any other conversation that passed between you and Mrs. Clarke at that second visit?

A. I do not recollect the conversation; it was not of any consequence.

Q. Did any conversation pass respecting promotions in the Army?

A. I do not recollect that any conversation passed relative to promotions in the Army at that time; it might be so.

Q. Do you recollect that any such conversation passed at any other time?

A. I believe on the third visit.

Q. What was that conversation?

A. That Mrs. Clarke had been the means of promoting Major Tonyn.

Q. You have stated, that you received that information at your second visit?

A. I am not certain whether it was at the second or the third; I do not say it was absolutely the second, but I believe it was; I had no expectation of being called upon, and therefore I made no minutes or memorandum of it.

Q. Are you certain any conversation took place respecting Major Tonyn at the third visit?

A. I am not certain whether it did or not; I know it did not on both meetings.

Q. You have stated, that in your second visit to Mrs. Clarke, no conversation took place about military promotions, except that of Major Tonyn; did any such conversation take place at any other time?

A. I believe it did, relative to Major Shaw.

Q. Never as to any case but that of Major Tonyn and Major Shaw?

A. Not in which I was concerned.

Q. Are you sure you were never concerned in any other?

A. I am not sure.

Sir Robert Williams. **Q.** Did Mrs. Clarke at any time inform you whether his Royal Highness the Duke of York knew any thing of the transaction of Major Tonyn's promotion?

A. Mrs. Clarke never informed me of his Royal Highness's having known any thing of it, till November last.

Q. What did she state to you in November last?

A. She mentioned, amongst a number of other things, that she had been extremely ill used by his Royal Highness the Duke of York; that in consequence of that, unless his Royal Highness did that which was right towards her, she would publish the whole of the transactions which had passed relative to promotions during the time she lived with his Royal Highness.

Q. But not relative to Major Tonyn's?

A. Not particularly to Major Tonyn's.

Q. Did Mrs. Clarke ever inform you that she had mentioned to his Royal Highness the Duke of York, that she had received a sum of money on account of Major Tonyn's promotion?

A. Never.

A. Never till then, the month of November last; on the contrary, when I visited her in Gloucester Place, in the first instance, she, so far from mentioning his Royal Highness being privy to it, was so alarmed at my name being announced as a friend of Major Shaw, or any other person, that Major Shaw got his papers back immediately, gave Mrs. Hovenden ten pounds for them, and said he would have done with Mrs. Clarke, for that my name had prevented his promotion taking place; and, in consequence of that, I had no more to do with Major Tonyn in his promotion, which I understood took place about twelve months afterwards, nor did I ever see him but once since, on Ludgate Hill.

Q. What did Mrs. Clarke say, in November last, on the subject of Major Tonyn?

A. I have mentioned what she said of Major Tonyn, that she had received a sum of money, which she should publish, among a number of other circumstances, unless his Royal Highness did that by her which she thought he ought to do.

Q. What sum?

A. The sum which she had received for Major Tonyn's promotion.

Q. And that she had informed the Duke of York of it?

A. No, never.

General Norton. *Q.* You have said, that general Tonyn recommended his son for promotion?

A. I have said, that Major Tonyn informed me that General Tonyn had recommended him.

General Loftus. *Q.* Do you know how long Captain Tonyn had had the rank of Captain in the army?

A. I believe nine or ten years.

Q. Can you tell, in the course of your business, whether you do not know that that is a very long period for an Officer to remain in the rank of Captain before he gets to the rank of Major?

A. I understand, that a Captain of ten years standing is entitled, and generally receives, the brevet of a Major.

Q. Are you certain that it was not by brevet he got his rank?

A. I believe it was by augmentation, and not by brevet, for he was appointed to the 31st regiment; had it been by brevet, he would have continued in the 48th.

Q. Have you stated, that in your interview with Mrs. Clarke in November last, she informed you his Royal Highness was acquainted with the circumstance of money given for Captain Tonyn's promotion?

A. She said that she should publish it, but she did not tell me that his Royal Highness was acquainted with it.

Q. Was that in Gloucester Place that you saw Mrs. Clarke in November last?

A. No, it was in Bedford Place.

The Shorthand-writer was directed by the Committee to read the three or four last questions, with the answers of the witness. When the following Question and Answer were read over to the Witness:

“ *Q.* Did Mrs. Clarke ever inform you, that she had
“ mentioned to his Royal Highness the Duke of
“ York, that she had received a sum of money on
“ account of Major Tonyn's promotion?—*A.*
“ Never-till then, the month of November last.”

Mr. Donovan answered, That is not what I mean to say.

He was ordered to withdraw.

Mr. BARHAM conceived it highly improper that the witness should be allowed to erase from the minutes the answer which had been drawn from him by a regular chain of questions, the moment when he perceived the extent of the admission which he had made, not by inadvertence, but by cross-examination. The best plan for the Committee, in his opinion, to adopt, was to let the original answer stand upon the minutes in its proper place, at the same time that the witness should have the opportunity of affixing his correction.

Mr.

Sir THOMAS TURTON, although he considered it rather suspicious to correct cross-examination under the pretence of errors, still hoped that the Committee would not fetter a witness brought under such circumstances to that bar.

The witness returned, and his examination was resumed.

Chairman. Q. State how you wish that answer to be taken down?

A. No; In November last Mrs. Clarke told me, that if his Royal Highness did not do that which was right by her, she would publish the case of Major Tonyn, with many others.

Sir Thomas Turton. Q. Did she, in November last, communicate to you, that she had informed his Royal Highness the Duke of York of her having taken a sum from Major Tonyn?

A. She did not; she only threatened to publish that, with many other cases.

Q. I understand you to have said, she was extremely anxious that it should not come to the ears of the Duke of York, when you saw Mrs. Clarke in Gloucester Place; is that so?

A. It is.

Q. What reason did she give for that anxiety?

A. She said, that if his Royal Highness the Duke of York should know of her having received any money for military promotions, that she should be disgraced, and the officer would lose his Commission.

Q. You are sure upon your recollection, that that was the reason which was assigned?

A. I am.

Mr. Wallace. Q. When Captain Sandon stated to you, that he had the means of obtaining promotions through almost all the gradations of the Army, did he state to you any particular terms upon which those promotions were to be had?

A. I recollect that he said; for a Majority five hundred guineas;

guineas; but I do not recollect that he stated the particulars of every commission.

Q. Had you any reason, either at the time or afterwards, to consider Captain Sandon, in that business, as the agent of Mrs. Clarke?

A. Never, till Mrs. Clarke herself told me so.

Q. Did you visit Mrs. Clarke, in November last, by her own solicitation?

A. It was by her own solicitation.

Q. You have stated, that she used certain threats, unless conditions were agreed to; what terms did she state to be the terms of her forbearance?

A. The payment of her debts, and the settlement of an annuity.

General Loftus. Q. Did she apply to you, to participate in carrying those threats into execution?

A. She did.

Q. To what extent?

A. I am afraid I should be obliged to implicate many persons, with whom she took very great liberties, in mentioning their names, as persons who were in fact instigating her to these acts.

Q. State what Mrs. Clarke said to you, to induce you to participate in that business?

A. Mrs. Clarke said that the Duke of York, unless he came to these terms, must be ousted from his command; that he would then retire to Oatlands, where he would soon cut his throat; that was her expression.

Q. Was that all that passed?

A. I endeavoured to prevail upon her to inform me who were her associates in the plot: her answer was, that if I would go with the tide, she would provide for me and my friends very handsomely, for in that case she would have a *carte blanche*, that would enable her to do more business than she ever had done: that was her expression.

Q. Did she state to you who were her associates in this plot, as you term it?

A. She said that she was bound to secrecy, though she longed to inform me; that was her expression.

Q. Then

Q. Then how could you implicate others, if she did not inform you who they were?

A. There was one or two persons whose names she mentioned as having offered her money for some papers.

Q. Who were they?

A. One was Sir Francis Burdett; she said, that Sir Francis Burdett, about eighteen months before, had offered her four thousand pounds for the papers, but that she would not then take less than ten thousand pounds. I did not believe her.

Q. Who were the others?

A. I do not wish to mention.

[The Chairman directed the Witness to answer the question.]

A. There was but one more; I do not choose to mention the other person.

[The Chairman informed the Witness, it was the sense of the Committee he must answer the question.]

[The Witness was apparently much affected. He drew from his pocket a white handkerchief with which he wiped the tears from his eyes. Name! name! resounded from all parts of the House.]

The Witness stated in a tremulous voice——

It was Captain Dodd that she mentioned as the other person who wished to get the papers from her.

Q. How was this to be carried into execution?

A. She did not inform me.

Q. You have stated, that if you gave names, you must implicate a number of people; how much further do you mean to go with the names, to make out a number of people?

A. I do not mean to go any further.

[The following words of the Witness, in a preceding part of the examination, were read:]

"I

" I am afraid I should be obliged to implicate many
" persons with whom she took very great liberties,
" in mentioning their names, as persons who were
" in fact instigating her to these acts."

Q. Do you mean that two constitute the many you spoke of?

[The Witness referred to a paper.]

Q. What is that paper to which you are referring?

A. Memorandums.

Q. Do you mean that two constitute the many you spoke of?

A. Two cannot constitute many.

Q. Then name the others?

A. I am in an error in that, in mentioning many.

Q. What terms, or what consideration did she inform you Captain Dodd had offered for the papers?

A. She did not mention what he had offered for the papers, but that he had wished to possess the papers.

Q. Do you know what situation Captain Dodd is in?

A. I do not.

Q. Does he hold any official situation, that you know of?

A. I believe he does.

Q. What is it?

A. I do not know what it is that he holds, but I believe he holds some official situation under his Royal Highness the Duke of Kent.

Q. Do you, of your own knowledge, know of any other persons concerned in this transaction?

A. I do not; I do not know that they are, further than the reports of Mrs. Clarke; nor do I believe it.

Q. You referred to some Memorandums; why did you refer to them, and what do they contain?

A. They contained some notes taken at different periods; I believe the best way will be to read the whole.

The Witness was directed to withdraw.

The CHANCELLOR of the EXCHEQUER could not

not think it would be proper in that House, which unquestionably was more lax in its proceedings than a Court of Law, to act with greater severity and strictness against the witness than even a Court of Law would, by requiring him to give up his memoranda.

Sir T. TURTON was of a similar opinion. The eyes of the country were fixed on that House, and they were bound more than a Court of Law could be, to see that the ends of justice in so important a question were not defeated.

Mr. S. BOURNE saw great inconvenience from the irregular way in which things were conducted in that House, not one out of twenty questions being agreeable to laws of evidence.

Lord TEMPLE concurred in opinion with those who had preceded him. He even thought that a great part of the testimony of the last witness ought to be expunged.

Mr. WINDHAM. "The strict rules of evidence might be extremely well suited to a Court of Law, and not be so proper for adoption in that House. Even Courts of Law differed in their rules of evidence, according as they were differently composed. That House acted on its own customs and practice, which were equally binding on it, as the practice in any Court of Law could be supposed to be on that individual Court."

It was agreed that the witness should not be again called in.

Captain HUXLEY SANDON was then called as a witness; but the CHANCELLOR of the EXCHEQUER recommended Colonel Waddle that Mrs. Clarke should be first examined, that she might not complain, as she did the other night of being too much exhausted

exhausted to bear an examination. Colonel Wardle, however, said he should prefer beginning with Captain Sandon, to whom he should put a very few questions, which would not occasion much delay.

Captain HUXLEY SANDON was called in, and having been informed by the Chairman that he was to answer to such facts as were within his own knowledge, and not to those facts which he was acquainted with only from hearsay, was examined by the Committee, as follows :

Mr. Wardle. Q. Did you know Major Tonyn ?

A. Yes, I did.

Q. State what you know respecting his promotion from the 48th to the Majority of the 31st regiment ?

A. In an interview with Mrs. Clarke, she asked me if I had any Military friends that wished for interest ; if they had money, she thought she could get them promoted. At that period, I did not know any body ; but meeting with Mr. Donovan the next day, I asked him if he had any friends, he said yes, there was a gentleman in town that he thought would give a sum of money for a step ; I asked him what sum he would give ; he said he thought he would give five hundred guineas. I spoke to Mrs. Clarke upon the subject, and she said, by all means close with him. When I saw Mr. Donovan, I told him that I thought I could procure his friend the step that he wished for ; upon which he produced a memorandum, signed by a Mr. Gilpin of the Strand, for the sum I have mentioned, whenever he should appear in the London Gazette, gazetted as a Major. I believe it was near upon two months or ten weeks, I suppose it might be two months, when Captain Tonyn, for I never had the honour of seeing Captain Tonyn, before that period, got tired that his promotion did not appear ; he desired Mr. Donovan to call upon me, to say, that if I could not get the business finished, I had better return him his memorandum. I waited upon Mrs. Clarke, and told her what Mr. Donovan had said. She

She said that he was a shabby fellow, that he was very much in haste, but that if he would wait quietly, she dare say it would be done, and desired me to say that he had better wait a little. However, the next day I met Mr. Donovan, and I told him the interest that we had to procure the Majority; he had informed me that they had better wait a little. Mr. Donovan said, I am instructed by Captain Tonyn to say, you must give up your security immediately, for we are pretty clear, or at least I am pretty clear, you cannot get him gazetted; and another thing, General Tonyn has spoken to the Commander in Chief, and he has promised him the first Majority that is vacant. I then begged to see Captain Tonyn; Mr. Donovan introduced me to him; he then told me the same, Sir, this business has been a long while upon the carpet, I do not think you can effect what you say you can do, and I desire you will give me up the security I gave you, for General Tonyn, my Father, has procured a promise from the Commander in Chief, to give me a Majority. I observed to him, that he had better wait a few days, for that I thought in all probability he would be gazetted. However, after arguing the point for a little time, he said, for two or three Gazettes it does not signify, let the business go on, and if I find I am gazetted in a week or ten days, the business shall be as it originally was. However, to make short of the story, I believe it was the Wednesday when we were speaking, and on the Saturday or Tuesday following he was in the Gazette as Major—the consequence was, I received the five hundred guineas, and five hundred pounds I gave to Mrs. Clarke, and twenty-five pounds to Mr. Donovan.

Q. Do you of your own knowledge know that the promotion of Major Tonyn was owing to the interference of Mrs. Clarke?

A. No, I cannot say any thing upon the subject.

Q. Have you any and what reason to believe it was owing to the interference of Mrs. Clarke?

A. I have no reason at all to believe it was owing to the interference of Mrs. Clarke.

Q. Did Mrs. Clarke ever inform you that she had procured

secured the appointment of Major Tonyn from his Royal Highness the Duke of York?

A. She certainly informed me she had got him gazetted.

Q. Do you mean by that, that she informed you that she had got him gazetted by means of her application to the Duke of York?

A. She always told me she would get him gazetted, and of course it was through that interest, I imagine.

Q. Did she state that it was through the Duke of York that she obtained it?

A. She told me yes, that it was through her interest; but whether it was or not I cannot say.

Q. Do you believe that this was obtained through Mrs. Clarke's application to the Duke of York?

A. I doubt it exceedingly.

Q. Had you yourself no emolument from this transaction?

A. I received five hundred guineas, five hundred pounds I gave to Mrs. Clarke, and twenty-five pounds I gave to Mr. Donovan, which I believe makes the five hundred guineas. I had no emolument.

Q. Did Mrs. Clarke send you a gazette, announcing the promotion?

A. I really do not know, I gave her the money the moment I saw it in the Gazette; she had no occasion, for I watched the Gazette, and the moment I saw him gazetted, I took her the money.

Q. You have stated, that you do not believe this Appointment was effected by the interference of Mrs. Clarke; for what did you pay Mrs. Clarke the five hundred pounds?

A. Because we had promised upon his appearing in the Gazette as a Major, for that was the way in which the note ran, that we were to receive the five hundred guineas: whether it was by her interest or General Tonyn's, did not signify, the note ran "on my appearing in the London Gazette, gazetted as a Major."

Q. Did you apply to Mrs. Clarke for this Appointment to be in the Gazette, and on seeing the Appointment in the Gazette, she was to receive five hundred pounds?

A. Yes.

Q. General

Q. General Tonyn was promised the first Majority that became vacant for his son?

A. So Captain Tonyn told me.

Q. Did you receive, as a remuneration to yourself, any part of the five hundred pounds?—**A.** No.

Q. You have stated, that you delivered the five hundred pounds to Mrs. Clarke, and the twenty-five pounds to Mr. Donovan; what advantage had you?

A. Nothing at all.

[The Witness was directed to withdraw.]

GEORGE HOLME SUMNER, Esq. a Member of the House, attending in his place, made the following statement:

I have only to confirm the statement made by General Clavering, that I have no nephew of the name of Sumner, and that I believe there is no such person living in the Temple.

Mrs. MARY ANN CLARKE was called in, and having been informed by the Chairman, that she was to answer only those questions which she could answer from her own knowledge, was examined by the Committee, as follows:

Mr. Wardle. **Q.** Do you recollect recommending Captain Tonyn of the 48th regiment, for a Majority, to his Royal Highness the Commander in Chief?

A. I do.

Q. Do you recollect who introduced Captain Tonyn to you for your recommendation?

A. Either Mr. Donovan or Captain Sandon.

Q. Do you recollect whether you were to receive any sum of money, provided Captain Tonyn was gazetted?

A. I do not recollect the stipulated sum, but I received five hundred pounds when it was gazetted.

Q. Did you make it known, when you recommended Captain Town to the Commander in Chief, that you were to receive any pecuniary consideration for his promotion?—A. Yes.

Mr. Dickinson. Q. How did you come by the Gazette you sent to Dr. Thynne?

A. I suppose by the newspaper man.

Mr. Croker. Q. Did you ever apply to General Clavering for a recommendation in favour of Lieutenant Sumner?—A. Yes.

Q. Are you acquainted with Lieutenant Sumner?

A. No.

Q. Who recommended Lieutenant Sumner to you?

A. Mr. Donovan.

Q. Do you recollect, whether you represented Lieutenant Sumner to General Clavering as being allied or connected with any particular person?

A. Yes; with his relations.

Q. What relations?

A. His Uncle.

Q. Who was his Uncle?

A. Doctor Sumner.

Q. Was that the only relation you mentioned to General Clavering?

A. No, Mr. Sumner the Member also.

Q. By whom was Lieutennat Sumner represented to you, as the Nephew of Mr. Sumner the Member?

A. He was Nephew of the Doctor.

Q. What relationship was he represented as bearing to Mr. Sumner the Member?

A. I cannot exactly recollect, but it was Cousin, or something in that way; that he was a relation.

Q. Have you ever represented yourself as being under the protection of a Mr. Mellish?

A. Neither him, nor any man.

Q. Have you not represented yourself as being, at one time, under the protection of his Royal Highness the Duke of York?

A. I really think that Gentleman is more mad than the person that was committed last night.

[The

[The Chairman informed the Witness he must answer the questions, and not make irrelevant observations.]

The whole of the Gentlemen know that already, by the representation which has been given before.

Q. Have you not represented yourself as being, at one time, under the protection of his Royal Highness the Duke of York?

A. I do not know that I ever did represent myself so; people knew it, without my telling it.

Q. What do you mean by saying, it was very well known a'ready by what had happened?

A. I do not recollect the name of any person that I ever represented myself to as living under the protection of the Duke of York.

Q. Will you positively say you do not recollect ever to have stated, that you lived under the protection of the Duke of York?

A. Yes, I will positively say, that I do not recollect that I did, to any particular person.

Q. Will you say, that you never represented yourself as being under the protection of any gentleman of the name of Mellish?

A. No, I never did, nor any other.

Q. You are positive of that?

A. Quite so.

Q. Did you ever make any representation to that effect?

A. Never.

Q. Did you never make any such representation to General Clavering?

A. No, never; I will repeat what was said in my parlour; General Clavering was mentioning to me, one morning when he called, that Turf Mellish was just setting off with General Ferguson; I said, yes, I have been told so, that he had taken leave of the Prince the night before: he said that I was in a very good house, and something, that Contractors and Beef went on very well: that was all that passed: I made no answer to that: I have many times heard the report, both of him and many others,

Q. Do you recollect having conversation with Mr. Donovan, in November last, relative to the proceedings that are now taking place?—A. No.

A. Do you recollect stating, in a conversation to Mr. Donovan, that if his Royal Highness the Duke of York would not come into your terms, you would publish all the transactions which had passed between you during the time you had lived together?—A. No.

Q. Did any thing to that effect pass between you and Mr. Donovan?—A. No.

Q. Did you ever try to induce Mr. Donovan to assist you in any purpose of exposing the Duke of York, or publishing those transactions?

A. No; but I will repeat what he said to me in the Secretary's room the other night; he said, if he had been aware of what Colonel Wardle intended to have done, and he had called upon him and stated his intentions and behaved in a handsome manner, he would have put him into the way of proceeding, but as it was, he should go entirely against the whole of it; that he might have given him many and many cases.

Q. Is that conversation which took place the other evening in the Witnesses room, the only one you have ever had with Mr. Donovan concerning this business?

A. The only one, except what I wrote.

Q. Was any body present when this conversation took place between you and Mr. Donovan in the Witnesses' room?

A. It was full of persons, but he spoke to me privately apart.

Q. Did you ever mention Sir Francis Burdett's name to Mr. Donovan in any way connected with this subject.

A. No.

Q. Do you know Sir Francis Burdett?

A. In what way, as an acquaintance or personally only?

Q. Are you acquainted with him?

A. I have seen him a few times.

Q. Have you ever spoken to him or he to you?

A. I told him I had been a little acquainted with him, very slightly.

Q. Has

Q. Has Sir Francis Burdett ever written to you or sent you a message?

A. No he has not; not that I can recollect.

Q. Did Sir Francis Burdett ever apply to you to procure from you any papers relative to the subject now under inquiry?

A. Never once; nor have I had any sort of communication, nor heard or known any thing of Sir Francis Burdett since May last, and that was merely accidental.

Q. Have you ever told Mr. Donovan, or any body else, that Sir Francis Burdett offered you money for some papers in your possession, or any thing to that effect?—A. No.

Q. Do you know Captain Dodd?

A. Yes I do, slightly.

Q. How long have you known Captain Dodd?

A. Since my living in his neighbourhood.

Q. Do you often see Captain Dodd?

A. What is meant by often?

Q. More times than once, or how often?

A. Yes, more times than once, if that is often.

Q. When did you see Captain Dodd last?

A. I do not recollect; but I have no view in screening it at all; I am not ashamed of Captain Dodd, nor I dare say Captain Dodd of me, only perhaps just at this time.

Q. Did Captain Dodd by any means demand or ask of you any papers in your possession relative to this transaction?

A. Never; we have never talked about it.

Q. Did you ever represent to Mr. Donovan, or any other person, that Captain Dodd had tried to procure from you some papers relative to this transaction?

A. Never to any one.

Q. Did you ever express any wish to Mr. Donovan, that he would join with you or assist you in prosecuting this inquiry?—A. Never.

Q. Or any subject connected with the transactions now under inquiry?—A. Never.

Q. Do you know Colonel M'Mahon?—A. Yes.

Q. Did you ever write an anonymous letter to his Royal Highness the Prince of Wales?

A. To

A. To shew Colonel M'Mahon in his proper colours, I will produce his notes here to-morrow evening.

Q. Did you ever write an anonymous letter to His Royal Highness the Prince of Wales?

A. I wrote a few lines to the Prince of Wales, stating that a person wished to see him, and Colonel M'Mahon called.

Q. Did you sign your own name, or any name, to those few lines which you sent to the Prince of Wales?

A. It was only a few lines without any name, and Colonel M'Mahon called in consequence, and when the servant opened the door, he asked, who kept the house; Mrs. Farquhar, that was my mother. When he came up stairs into the drawing-room, he said, Mrs. Farquhar how do you do; what is the business; I told him, that I wished to see the Prince of Wales, and after a few minutes conversation, Colonel M'Mahon found that I was Mrs. Clarke; he then promised to communicate the message to the Prince, and the next day brought me a very civil message from his Royal Highness, stating, that he was extremely sorry he was obliged to go out of town to Brighton, which he did do that morning, that it was impossible for him to interfere, that he had a very great respect for me, was sorry for the manner in which I had been treated, and that Colonel M'Mahon might use his influence with the Duke of York to be the bearer of any message that might be the means of making peace; but that it was a very delicate matter for his Royal Highness to interfere with his brother. Several notes passed between Colonel M'Mahon and me, and several interviews. He mentioned to me that he had seen his Royal Highness the Duke of York at one time, I think in July, that the Duke of York asked him, if I was not very much exasperated against him, and if I did not use very strong language, and abuse him. Colonel M'Mahon said, quite the contrary, Sir, I assure you; Mrs. Clarke is very mild towards you, and she lays the whole of the blame on Mr. Adam; he said, She is very right, I will see into her affairs. That was the end of the first message. I think the last message that Colonel M'Mahon brought me was, that he could not bring his Royal Highness

Highness to any terms at all, to any sort of meaning concerning the debts, and although I had behaved so very handsome towards his Royal Highness, and had exacted nothing but his own promises to be put in execution, or even to take the sum that was due to me upon the annuity and pay the tradesmen, and then I would let his Royal Highness off of the debts, as that perhaps would satisfy them; that he considered it as very fair, and very honourable, and very liberal, or he would not have been the bearer of those messages; and he said, he esteemed me very much, from the character I bore among my female acquaintances that he was intimate with, I mean women of character, and for the services I had done to many poor young men within his knowledge. I will bring some of his notes, or give them to Colonel Wardle, to be read here to-morrow, to corroborate what I have stated.

Q. Did you in November or December last, represent yourself to any persons as still having the power of procuring Military Promotions, or any other offices?

A. No; but I recommended some that wanted promotion to a person.

Q. Who was the person to whom you recommended them?

A. I will mention his name; and I intend to have him here; but it cannot happen immediately, from some circumstances. I must beg to be excused naming him now.

Question, from several Members. "Name—name?"

A. I must be excused from answering that question. If I answer the question it will be impossible for me to produce him.

[The Chairman informed the Witness the sense of the Committee was that she must answer the question.]

If I answer the question, it will be impossible for me to produce him here; he will get out of the way; he will not come here.

[The

[The Chairman informed the Witness that she must answer the question.

A. Mr. Maltby, of Fishmongers' Hall.

Q. Is Mr. Maltby the only person to whom you have made any recommendation since November or December last?

A. Yes; except the letters I sent to General Clavering.

Q. Have you represented yourself at any time, since the close of the year 1806, as having it in your power to procure Army promotions, or other offices?

A. No; except through Mr. Maltby, which he can speak to, if they lay hold of him.

Q. Have you had any communication with any other person than Mr. Maltby, relative to the procuring Army promotions or offices?

A. No; except what I have just spoken to.

Q. What situations did you endeavour to procure through Mr. Maltby, and for whom?

A. As I thought Mr. Maltby ought to be exposed in the whole of his conduct, I have not thought much about it; but I have letters at home I can bring forward, when I am called upon.

Q. What situations did you endeavour to procure through Mr. Maltby, and for whom?—A. I forget.

Q. Do you not recollect any one of them?

A. Not one.

Q. Of the situations you endeavoured to procure so lately as November or December last?

A. I am so little interested in it now, I cannot recollect.

Q. Do you even recollect how many situations you endeavoured to procure?—A. No.

Q. Can you recollect whether they were Army promotions, or Civil situations?

A. The letters I have at home can distinguish between them, but I cannot at present; besides, I wanted them for friends.

Q. Who were the friends for whom you wanted these Appointments?

A. When they give me the liberty of using their names, I will communicate them.

[The

[The Chairman informed the Witness she must give a direct answer to the questions, unless she objected to them, and appealed to the Chair.

A. I certainly must object to them.

[The Chairman informed the Witness, that it was the opinion of the Committee that she should name the persons.]

A. I have already named Mr. Maltby ; if he is brought forward perhaps he will name the persons.

[The Chairman again informed the Witness, that it was the opinion of the Committee that she should name the persons.

A. One is Mr. Lawson ; I cannot recollect the other.

Q. Recollect yourself, and state to the Committee those persons whom you so represented as your friends, whose names you would communicate when you had their permission ?

A. That is one of them.

Q. Who were the others ?

A. I do not recollect.

Q. Why did you speak of friends, instead of speaking of a single friend ?

A. If you try to serve a person you call them your friends, if you interest yourself for them.

Q. Do you stake the veracity of your testimony upon that last answer, that you recollect but one of those persons ?

A. I think that I ought to appeal to the Chair now.

[The Chairman directed the Witness to state the objection she had, and the Committee would decide upon it.]

A. He is a very respectable man, and he has been already very ill used, and I am afraid of committing him and his family.

[The

[The Chairman directed the Witness to name the person whom she alluded to as a respectable person.]

A. That is giving his name at once; really I cannot pronounce his name rightly, though I know how to spell it, and I must be excused.

Q. Do you not know how to pronounce the name of your particular friend, whom you represented as a hardly used man?

[The Chairman admonished the Witness that her present conduct was very disrespectful to the Committee.]

A. I mean to behave very respectfully, and I am very sorry if I do not; but I do not know but the Gentleman may lose the money he has already lodged, if I mention his name.

The CHANCELLOR of the EXCHEQUER wished the witness to be told, that "with whatever forbearance the Committee had hitherto treated the witness, that it could not long endure this trifling on her part with the questions which the Committee chose to ask; but that she must, if she did not alter her behaviour, suffer the punishment with which the Committee of the House of Commons, out of a regard to its own dignity, must visit an obstinate perseverance in a want of proper respect."

The witness was then ordered to withdraw.

Mr. WINDHAM conjectured that there was a mistake on this point. The witness, he understood, had not positively refused to answer, nor done any thing with respect to this question which necessarily implied a disrespect to the House. She had, before answering directly, stated an additional reason why she should not answer, for the consideration of the Committee; and that reason was, "that the individual, if named,
would

would be subject to great inconvenience and suffering." It did not necessarily follow that the witness was blameable for submitting that reason before she answered.

The CHANCELLOR of the EXCHEQUER would be sorry if an impression prevailed any where that he had interfered too soon; and if there were any gentlemen, who did not perceive, during the last half hour, in the witness's conduct, an attempt to evade, to trifle and shuffle,—[“No! no!” from several members.] He meant to state that no other witness in any other cause than this could, upon displaying such improper behaviour as this witness had done within the last half hour, escape being committed. The Honourable Gentleman did not agree with him in that; but it was certainly his opinion. He did not, however, impute blame in any quarter for suffering the witness to proceed in this sort of behaviour thus long; but at the same time, in support of the dignity of the Committee, it was necessary to assert the respect due to it, after long and manifest abuse of indulgence.

General MATHEW said, that the Chancellor of the Exchequer was wrong in talking of inflicting punishment on the witness. This mode of treating evidence, was a violation of the liberty of the subject. This was a point which ought to be always kept in view, and he would pay no attention to what was said from the Government side of the House.

Mr. CROKER insisted upon the importance of having an answer to the question. The witness had stated the party would suffer the loss of the money that was pledged; it was for the reason which she urged as an objection, that he wished the question to be answered, because it afforded a hope of getting to the bottom of the transaction.

[The Witness was again called in, and informed by the Chairman, that the Committee had considered her reason for declining to answer the question put to her, and was of opinion that she must answer the question.]

Mr. Croker. Q. What is the name of the person you alluded to ?

A. Mr. Ludowick or Lodowick.

Q. Has that Gentleman any other name but Ludowick ?

A. I do not know his other name.

Q. Who is Mr. Ludowick ?

A. He is a Gentleman, I believe he lives in Essex ; that is all I know of him.

Q. Whereabouts in Essex does he live ?

A. I do not know.

Q. Who introduced Mr. Ludowick to you ?

A. He never was introduced at all.

Q. How did you become acquainted with Mr. Ludowick ?—A. Through different friends.

Q. Name the friends that recommended Mr. Ludowick to you ?

A. I cannot exactly name which it was in particular, but Mr. Maltby can tell, if he is had before the House.

Q. Name the friends that recommended Mr. Ludowick to you ?

A. I cannot name any one in particular ; Mr. Maltby knows more of him, himself, than I do.

Q. Is Mr. Ludowick the person whom you stated as having suffered enough already, whose name you were unwilling to tell ?—A. Yes.

Q. In what has he suffered already ?

A. In lodging his money, and being a long while out of the Ap. ointment, meeting with frequent disappointments from day to day. At a future time, or after Mr. Maltby has been examined, I will mention the General Officer's name that he has made free with, I do not know whether correctly or incorrectly.

Q. That who has made free with, Ludowick or Maltby ?

A. Maltby.

Q. What

Q. What disappointments has Mr. Ludowick suffered, to which you allude ?

A. I have already stated them.

Q. What Appointment has Mr. Ludowick been disappointed of ?

A. I believe two or three ; first one was mentioned, then another ; I cannot speak to one particularly.

Q. Try to recollect any one of them, or all of them ?

A. I really cannot ; when Mr. Maltby comes forward, he will be able.

Q. Do you mean to state, that you cannot recollect any one of the Appointments Mr. Ludowick has been disappointed of ?

A. One I can ; but there have been three or four since offered to him, neither of which he has been able to procure.

Q. Name that one ?

A. Assistant Commissary ; I think.

Q. Where has Mr. Ludowick lodged the money which you speak of, or with whom ?

A. As to that I cannot tell, but I can when I look over my papers at home.

Q. Do you say positively, that, without looking over your papers at home, you cannot say where this money is lodged ?—A. Yes, I do.

Q. How much money has Mr. Ludowick lodged ?

A. From eight hundred pounds to one thousand pounds.

Q. Who was the General Officer whose name Mr. Maltby represented himself as having made use of ?

A. Is that a fair question.

[The Chairman informed the Witness that she must answer the question.]

A. Sir Arthur Wellesley ; and one of the excuses for one of the Appointments not taken place was, Sir Arthur being so very deeply engaged in the investigation at Chelsea. If this is not true, I'm doing Sir Arthur a great service by bringing it forward.

Q. What Appointment was it that was so delayed, by Sir Arthur being so much engaged ?

A. I believe it was this first, that of Assistant Commissary, but I am not sure.

Q. For whose use is the money lodged?

A. I do not know, but I can tell by looking at my papers.

Q. You have certain papers at home, which will enable you to state to the Committee for whose benefit the sum of money in question is now lodged, and where it is lodged?—A. Yes.

Q. How came you to be in possession of those papers?

A. They will shew for themselves when I produce them, better than I can explain it.

Q. How came you in possession of those papers?

A. From Mr. Maltby.

Q. Was it Mr. Maltby that introduced Mr. Ludowick to you, or you Mr. Ludowick to Mr. Maltby?

A. I do not think they have ever seen each other, not that I know of.

Q. Did you first mention Mr. Ludowick's name to Mr. Maltby, or did Mr. Maltby mention it first to you?

A. I to Mr. Maltby; I believe he has been in the habit of acting as agent for these ten or a dozen years in this sort of way.

Q. Has Mr. Maltby made use of the name of any other person besides Sir Arthur Wellesley?

A. He has written very pointedly to that to me, and spoken besides.

Q. Has Mr. Maltby made use of the name of any other person besides Sir Arthur Wellesley?

A. I cannot recollect at present; but I shall, at a future time, if I am here, and will state it.

Q. Where did you form your friendship for Mr. Ludowick?

A. I have already said, that any man that I interested myself for, I considered as a friend; I am not intimate with him.

Q. How came you to interest yourself in Mr. Ludowick?

A. From a friend of my own.

Q. Who was that friend?—A. Mr. Barber.

Q. Where does Mr. Barber live?

A. In Broad Street, in the City.

Q. How long have you known Mr. Ludowick?

A. I

A. I do not know him, but by means of his family.

Q. Do you mean to say you have never seen Mr. Ludowick?

A. No, I did not mean to say that.

Q. Where have you seen him, and when?

A. I have already said, I do not know him; I might have seen him, and not have known him.

Q. Have you ever seen Mr. Ludowick, or not?

A. I cannot tell, as not knowing his person.

Q. About what time was it that this Commissariat appointment began to be in negotiation?

A. I cannot remember, but the papers will date it exactly.

Q. What year?—A. Last year.

Q. Can you recollect what part of last year?

A. No, I cannot.

Q. What kind of papers are those you allude to; are they letters?

A. I do not know what they are.

Q. Do you mean to say, that you do not know at all what kind of papers they are?

A. They are papers written on.

Q. Are they letters, or securities?

A. They shew what they are; I cannot exactly speak to them; I will give them to Mr. Wardle to-morrow.

Mr. CROKER wished the question to be repeated. It was of importance, he said, to get a more definite answer with respect to these papers, that the Committee might be satisfied, that whatever papers might be produced were the same now alluded to?

Q. You have said, that those papers will inform the Committee of all the particulars of this transaction; how can you say that, if you do not know what those papers are?

A. Because I do not know how to describe them exactly.

Q. Do you recollect their contents?

A. No, I do not; but I know there are a great many letters from Mr. Maltby, and something about the bankers; enough to shew the whole of the transaction.

Q. Do you recollect to have stated to Captain Donovan, that if his Royal Highness the Duke of York was informed of your ever having received any money, It would be your ruin?

A. Never to any person whatever.

Q. Through what channel, or by whose influence, did you propose to Mr. Ludowick, or the Agent employed by Mr. Ludowick, to procure the situation that he required?

A. Mr. Barber will recollect that; and he is a very honourable man, and will speak to the truth, and I believe he knows the parties.

Mr. Sheridan. **Q.** Who was the person whom you held out yourself as having such influence over, as that by that influence you could procure the situation desired by Mr. Ludowick?

A. I do not think that any one was held out, I fancy they guessed the Duke of York, but no one was held out; and I think it is very likely that Mr. Donovan supposed the Duke of Portland; but I mean here to say, that he is not at all connected. And the Office that Mr. Wardle mentioned in the city I know nothing at all about; I was very sorry to see that Mr. Wardle had mentioned such a thing, because every one who knows the Lord Chancellor, must know that, besides being one of the highest, he is one of the most honourable men in England; and if there are any insinuations about the Duke of Portland, Mr. Maltby is the Duke of Portland—He is my Duke of Portland: I mean entirely to clear myself from holding out any insinuations against the Duke's character. Mr. Wardle accused me once of going into the Duke of Portland's, and that he had watched me in; I told him I was not in the habit of going in there, and I laughed at him; and afterwards somebody told him it was Mrs. Gibbs; more likely Mrs. Gibbs than me. I wish to do away the two stories of Mr. Mellish and the Duke of Portland before the Honourable Gentlemen.

Q. Am I to understand you, you never did give out to any person, that you had access to or influence with the Duke of Portland?

A. No, I did not; I fancy that once I laughed very
much

much about some sort of birds, with Mr. Donovan; but I mean to say, I never did use his name.

Attorney General. Q. How long have you known Mr. Lawson?—A. About four months, or five months.

Q. Who introduced Mr. Lawson to you?

A. He is a piano-forte maker.

Q. What office has he been soliciting?

A. I do not recollect; I cannot tell what; it is something that Mr. Donovan has been concerned in as well; something at Savannah & Mar.

Q. What Appointment did you solicit for Mr. Lawson?

A. One of those places; there are a number of them; but Mr. Maltby can speak to it; I fancy he has been lodging money lately, within this very short time, within this fortnight, perhaps.

Q. Where?—A. I do not know, but Mr. Maltby knows; it is some concern of his.

Q. What makes you think that he has deposited a sum of money within this last fortnight?

A. Because he told me he was going to do it.

Q. When did he tell you so?

A. About a fortnight since.

Q. Where did you see him when he told you so?

A. At my own house.

Q. With whom did he say he was going to deposit it?

A. He did not say with whom; but Mr. Maltby had some more of these men, who had to be concerned in it, and he was to lodge it with his bankers.

Q. With whose bankers?—A. Mr. Maltby's I suppose.

Q. How long have you known Mr. Sandon?

A. Ever since Colonel French's Levy.

Q. Was that the first knowledge you had of him?

A. If he did not come about Colonel French's Levy, he came about some other Appointments; I should rather think he brought me a list of Officers for Appointments, instead of the Levy first.

Q. Did he come to you voluntarily, or did you send for him?

A. I could not send for him, for he gave Mr. Corri two hundred

hundred pounds for an introduction, him and Colonel French.

Q. Was that before Captain Tonyn's recommendation?

A. Yes,

Q. How much had Mr. Sandon out of the money paid by Captain Tonyn?

A. I never inquired.

Q. He had no part of the five hundred guineas, had he?

A. No; I should not wonder but what he had eight or nine from Captain Tonyn, it was something more than the five, or else Mr. Donovan had.

Q. He got more than you did by that transaction then?

A. No, not that; I state it at eight or nine, and he gave me five; but I do not know that he had that.

Q. What makes you think that he had it?

A. I think he must have had something, or he would not have troubled himself in the business.

Q. What do you suppose he had about Colonel French's Levy?

A. Colonel French told me, that he stole half.

Q. You stated in your examination yesterday, that you were at the Opera with a Lord Lenox and some other gentleman; how long have you known Lord Lenox?

A. I never knew him at all.

Q. I understood you to have stated in your examination yesterday, that you were at the Play or the Opera with Lord Lenox and Sir Robert Peat?

A. I said I was along with Sir Robert Peat, and an old gentleman came in with this Mr. Williams, and they said that was Lord Lenox and Mr. Williams. Sir Robert Peat said that.

Q. You mean to say you did not know this Lord Lenox before you saw him at the Play that night?

A. No; I had seen him driving about town, and knew it was the man they called Lord Lenox, but never spoke to him before.

Q. Are you positive you never spoke to him before?

A. Quite.

[The Witness was directed to withdraw.]

GWYLLYM

GWYLLYM LLOYD WARDLE, Esq.
attending in his place, was examined as follows :

The CHANCELLOR of the EXCHEQUER.

Q. Did you ever reproach the last Witness with going to the Duke of Portland?

A. I had heard that she had been there ; and I wondered what she could be doing there ; so far I did reproach her.

Q. Who told you that she had been at the Duke of Portland's ?

A. I heard it at the Office I mentioned in the city ; a person described her person, and they said there was a Tidewaiter's place to be sold, they believed ; but they were not certain ; it depended on an application then making by a lady to the Duke of Portland ; I went again in a few days ; they described a person excessively like Mrs. Clarke, and when I saw her I questioned her about it, and said if it was so, she was doing very wrong.

Q. Do you know Mr. Maltby ?

A. I have seen him once, I think, at Mrs. Clarke's.

Q. Did you ever endeavour to trace the transactions carrying on by Mr. Maltby ?

A. I did in some measure ; but I could not at all succeed ; he would not commit himself at all to me ; I endeavoured to catch him upon one point, but he would not open to me at all.

Q. Were you aware that the Witness was employing Mr. Maltby in these transactions ?

A. I merely understood from her that he was employed in one business, which I endeavoured to find out, but I endeavoured in vain ; I could not get him to open at all.

Q. Did she state to you that it was a business in which she was concerned ?

A. No, she did not ; she merely mentioned that

he was about business, I forget the name now, I was excessively anxious to find it out.

Q. Did she ever mention to you the business respecting Mr. Ludowick?

A. I do not know that ever she did; I do not know the name at all, but I really think she said that he was in the habit of doing it for a number of persons; one case she mentioned, and I endeavoured to sift it to the bottom.

Q. Did she ever shew you these papers she has referred to?

A. No, she did not; I think I saw one or two notes to her about the thing I endeavoured to find out, but it has escaped me what it was; it is several weeks ago, and I have had so much upon my mind, that after an attempt or two, it is impossible to recal it.

[Mr. CROKER explained, that the reason he had put the questions regarding Sir F. Burdett and Captain Dodd was, because he thought it was due to them to counteract insinuations thrown out which he supposed to be false.

On a proposal from a Member to take means to insure the attendance of Mr. Maltby, by the exercise of the authority of the House,

Mr. Alderman COMBE said that he was well acquainted with that Gentleman, that he was clerk to the Fishmonger's Company, and could not easily withdraw himself.]

Colonel GORDON was called in, and examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. Have you brought with you the official documents respecting the Appointment of Major Tonyn?

A. Yes, I have.

Q. State to the Committee what you know upon that subject.

A. F

A. I hold in my hand the first recommendation upon the subject of Captain Tonyn—Major Tonyn: with the permission of the Committee, I will read it.

[Colonel Gordon read a Letter, signed Patrick Tonyn, dated the 27th of June, 1803.]

“ May it please Your Royal Highness.

“ Sir,

“ In the present period of extension of His Majesty's Forces, I beg leave to recommend the 48th Regiment to Your Royal Highness's consideration.

“ I hope it will not be thought I presume too far to say, Captain Tonyn for some time past has commanded the 48th at Malta; and with great submission, I likewise venture to mention Lieutenant Tonyn: and I most humbly petition Your Royal Highness, graciously to condescend to grant my Sons Your Royal protection.

“ With most profound and dutiful respect, I have the honour to remain, with all submission,

“ Sir,

“ Your Royal Highness's

“ most devoted Servant,

“ Pat. Tonyn.”

“ 118, Park Street, 27th June, 1803.”

Indorsed :

“ London, 27 June, 1803.

“ General Tonyn.”

“ Promoted to a Majority in the 31st Regiment, upon the formation of a second Battalion, in Aug. 04 — Without purchase.”

(Inclosure.)

“ H. R. H. will be glad to consider the General's two Sons on favourable opportunities for promoting them.”

Q. General Tonyn was an old officer?

A. One of the oldest officers, I believe, at that time in the Army. The answer to that Letter is dated the 29th of June, 1803.

[Colonel Gordon read it.]

“ Sir,

“ Horse-Guards, 29th June, 1803.”

“ I have to acknowledge the receipt of your letter of the 27th instant, recommending to me your sons Captain Tonyn and Lieut. Tonyn of the

the 48th Regiment; and I request you will be assured, that I shall have much pleasure at a favourable opportunity, to pay every attention in my power to your wishes in their favour.

" I am, &c.
(Signed) " Frederick,
Commander in Chief."

" General Tonyn,
&c. &c. &c."

Indorsed :

" Copy of a letter from H. R. H.
the Commander in Chief, to General
Tonyn, 29th June, 1803."

The next document upon this subject appears to be a Memorial from Captain Tonyn himself.

[Colonel Gordon read it.]

" To His Royal Highness the Duke of York and Albany, Commander in Chief of His Majesty's Forces.

" The Memorial of George August. Tonyn, Captain in His Majesty's 48th Regiment of Foot,

" Humbly Sheweth,

" That your Memorialist has been near twenty-four years an officer; fourteen of these on active service with the 48th Regiment, on all its various stations, in the West Indies and the Mediterranean.

" That your Memorialist, being the senior Captain present with the Regiment, most humbly implores Your Royal Highness's protection; and that Your Royal Highness will be pleased to recommend him to His Majesty's Royal favour; that His Majesty may be graciously pleased to grant him promotion to the rank of Major, in such manner as Your Royal Highness may think fit.

" And your Memorialist, as in duty bound, will ever pray."

Indorsed :

" Memorial.

" George Augustus Tonyn,
Captain 48th Regiment.
March—18 4."

(Inclosure.)

" C. F."

" Captain Tonyn to be noted for promotion, and acquainted that His R. H. will be glad to consider him on a favourable opportunity."

" J. G."

This Memorial is without date, but it was received in March 1804. The Answer to that Memorial I hold in my hand.

[Colonel

[Colonel Gordon read it.]

" Horse Guards,
15th March 1804."

" Sir,

" I have the honour, by the Commander in Chief's commands,
" to acknowledge the receipt of your Memorial without a
" date, and to acquaint you in reply, that your name has been
" noted for promotion; and His Royal Highness will be glad to
" consider you on a favourable opportunity.

" I have, &c.

(Signed) W. H. CLINTON."

" Capt. Tonyn,

" 48 Foot,"

" 118, Park street."

Indorsed:

" Copy of Lt. Col. Clinton's Letter to Capt. Tonyn,
" of the 15th March 1804."

The document I hold in my hand relates to the promotion of Lieutenant Tonyn, alluded to in the first letter of General Tonyn: it remains with the Committee to decide whether that is to be read.

Q. Was not General Tonyn colonel of the regiment at the time he made the application in favour of his sons?

A. Yes, he was. These are all the documents that I have, with respect to Major Tonyn. It appears, that in the month of August 1804, a very large augmentation was made to the army, consisting of no less than fifty battalions; in the formation of those battalions I received the orders of the Commander in Chief to prepare a list of the senior officers of the army, generally, of each rank, and to take their names from the book of recommendations, where they had been noted. In consequence of this command, I did prepare a list, and submitted it to the Commander in Chief; and, in that list, in the same list with Major Tonyn's name, there were fifty-three officers appointed to majorities; namely, eleven majors removed from other corps, or from the half-pay; thirteen brevet majors; twenty-nine captains. Of those captains seven were captains of the year 1794, nine were captains of the year 1795 (amongst them was Captain Tonyn), five were captains of the year 1796, seven of the year 1797, and one of the year 1799. I have mentioned that Captain Tonyn was a captain of 1795, there

were only six captains in that year senior to him in the service. That is all I know on the subject of Captain Tonyn's promotion.

Q. It appears that in the letter of General Tonyn he recommends two of his sons; can you state any thing with reference to the other son?

A. On the 30th of May 1804, General Tonyn writes again:

[Colonel Gordon read the letter.]

" Sir,

" I have the honour to transmit a letter from Captain Long of
" the 48th, requesting His Royal Highness the Commander
" in Chief's permission to sell his Company, having purchased.
" I humbly beg leave to recommend Lieut. Charles William
" Tonyn to His Royal Highness the Duke of York's favourable
" representation to His Majesty; humbly praying, that He
" may be graciously pleased to grant him leave to purchase
" Captain Long's Company, the money being lodged with the
" agent for the same; as all the officers standing before him in
" the corps have declined the purchase.

" Give me leave, Sir, to beg the favour of your good offices in
" behalf of my son, whose declaration I have the honour here-
" with to inclose, and that you will have the goodness to im-
" plore for him His Royal Highness's gracious protection. I
" have the honour to remain, with all respect,

" Sir,

" Your most obedient, and

" most humble servant,

" PAT. TONYN."

" 118, Park-street, 30th May, 1804."

Indorsed:

" 48th Foot. Lt. Tonyn,

" Mem. 2d June 1804."

(Inclosure 1.)

" Sir,

" Mallow, 15th May 1804."

" Circumstances of a peculiar nature having lately occurred,
" that obligé me to retire from the service, I have sent in a
" Memorial to the Commander in Chief, to be allowed to sell
" my Commission at the regulated price. I take the liberty of
" informing you, as early as possible, of my intentions, as I
" have been given to understand your son would succeed to
" the promotion by purchase. Should that be the case, if
" you'll have the goodness to lodge the money in the hands of
" Mr. Gilpin, the agent, and give me the earliest information,
" in

" in order that the business may be forwarded with as little delay as possible, you will ever oblige,

" Sir,

" Your very obedient humble servant,

" General Tonym, " E. S. LONG, Capt. 48th Regt."

" 118, Park-street, near Hyde Park, London."

Indorsed :

" Capt. Long.

" 48th Regiment

" 15th May 1804,

" R - - - 23d May

" All officers concerned have declined purchasing."

(Inclosure 2.)

" Sir,

" I beg you you will be pleased to obtain for me, His Majesty's permission to purchase Captain Long's Company in the 48th Regiment of Foot.

" In case His Majesty shall be graciously pleased to permit me to purchase the same, I do declare and certify, upon the word and honour of an officer and a gentleman, that I will not, now, or at any future time, give by any means or in any shape whatever, directly or indirectly, any more than the sum of one thousand five hundred pounds, being the full value of the said commission, as the same is limited and fixed by His Majesty's regulation.

" I have the honour to be,

" Sir, your most obedient and

" most humble servant,

" To the Colonel or Commanding Officer of 48th Regiment."

" E. W. TONYN,

" Lt. 48th Regt."

" I beg leave to recommend the above; and I verily believe the established regulation, in regard to price, is intended to be strictly complied with; and that no clandestine bargain subsists between the parties concerned.

" PAT. TONYN,

" General and Colonel.

" 30th May 1804."

The Inclosure is the Letter from the young man himself.

Q. Did all the officers who were promoted at the time Major Tonym was promoted, receive their promotion into the new corps without purchase?

A. Into the new corps, most certainly.

Q. All the new captains those that were promoted into the augmentation of the army.

A. Yes.

Q. Did many of them appear in the same Gazette with Major Tonyn?

A. I have stated, that there were fifty-three field officers in the same Gazette, and I should imagine, without counting them, there could not be less than two hundred officers altogether; the paper is now in my hand.

Hon. Mr. Yorke. Q. At the time this great augmentation took place, and lists of officers were preparing in the office of the Commander in Chief, were those lists a secret, or was it in any one's power, on referring to the clerks, to see those lists?

A. I endeavour to keep those things as secret as I possibly can, but in so large a promotion, it is impossible for me to say the secret was exactly kept.

Q. Previous to the gazetting of those commissions which have been alluded to, when the list was completed, or nearly completed, was it possible to keep the secret so far, as to prevent the contents of those lists being more or less known?

A. I do not think it was.

Q. Give the Committee some account of the purchase and sales of commissions in the army, the manner in which that business is transacted, and in whose hands the purchase money is lodged.

A. I have already stated to the House, and it is in evidence before the Committee, that the same rules apply to the promotion of officers by purchase, as without; but in order to ensure the greatest possible regularity, every regiment in the service is ordered to transmit a return quarterly, of the number of officers in each regiment disposed to purchase, and to mention in such return where the purchase money is to be had; those returns are entered in a book in the Commander in Chief's office, and in the event of a vacancy those returns are invariably referred to, and the officer senior upon the list, if in all respects eligible, is invariably recommended, provided it does not interfere with other officers of greater pretensions.

Q. In whose hands is the purchase money deposited or lodged?

A. Before a recommendation is submitted to His Majesty for purchase, it is necessary that a paper should be sent to the Commander in Chief's office from the agent, stating

stating that he is satisfied that the money will be forthcoming when the commission is gazetted. It is not necessary, and it is so gone forth to the army, as is stated in a paper upon the table of this Committee, that the officers are not called upon to lodge the money in the agent's hands, but they are only called upon to notify to them, that it will be forthcoming on the promotion being gazetted.

Q. Does any part of the money relating to the sale of commissions pass through the hands of the Commander in Chief, or has the Commander in Chief any controul over that money?

A. None whatever.

Q. Can you state from your knowledge of the business of the office, what is the average amount of the purchase and sale of commissions in the course of a year?

A. The average amount for the last three years, annually, exceeds considerably four hundred thousand pounds.

Q. Give the Committee some account of the origin of purchases and sales of commissions in the army, and the effect that they have upon the army?

A. I believe that the origin of the purchase and sale of commissions arises pretty much as follows: In every other service in Europe it is understood that the head of the army has the power of granting pensions to the officers of the army, in proportion to their rank and services: no such power exists in the head of the army in this country; therefore, when an officer is arrived at the command of a regiment, and is, from long service, infirmity, or wounds, totally incapable of proceeding with that regiment upon service, it becomes necessary to place a more efficient officer in his stead. It is not possible for His Majesty to increase the establishment of the army at his pleasure, by appointing two lieutenant-colonels where one only is fixed upon the establishment; nor is it consistent with justice to place an old officer upon the half-pay, or deprive him altogether of his commission; there is, therefore, no alternative, but to allow him to retire, receiving a certain compensation for his former services; what that compensation should be, has been awarded upon due consideration, by a board of general officers,

that sat, I think, forty or fifty years ago, somewhere about 1762 or 1763; they taking into consideration the rank, and the pay of each rank, awarded a certain sum that each officer, who was allowed to retire, should receive upon retiring; that sum is called "the regulation price of commissions." The bearing that this has upon the army, is a very extensive question, but there can be no doubt that it is extremely advantageous for those officers who cannot purchase. I cannot better illustrate it to the Committee, than by stating an example: We will suppose, of the first regiment the third captain cannot purchase; the first and second can: if those two officers could not purchase, it is very evident that the third captain would remain much longer third captain, than if they were removed out of his way, by purchase in the great body of the army; and if no officer can be allowed to purchase, unless he is duly qualified for promotion without purchase, there cannot possibly be any objection to such regulation, nor can it be said that any unexperienced officer is appointed by purchase over the heads of others better qualified than himself, no officer being allowed to purchase, but such as is duly qualified by His Majesty's regulations.

Q. Upon the whole, you consider the present mode in which purchases and sales of commissions is limited, as advantageous to the service?

A. As a matter of opinion I certainly do.

Q. You have stated, upon the former examinations, the manner in which the business is transacted at the Duke of York's office; in the course of your transacting business with the Duke of York, in regard to forming lists of commissions for the approbation of His Majesty, do you ever remember the Duke of York taking a paper memorandum, or a list of officers out of his pocket, and putting it into your hand, with an intimation that that list was to be considered out of the usual course?

A. I never recollect any such instance: I take this opportunity of stating, that since I have had the honour of serving His Royal Highness the Duke of York, I have stated it often before, I never recollect any one solitary instance, in which the Commander in Chief has ever taken any paper out of his pocket and put into my hands, saying, 'this man must be an ensign, this a lieutenant, and

and this a captain; but all recommendations have come regularly through their proper channel, and I do not think there is any one instance to the contrary.

Q. In the first document you gave in, the former night, with respect to Captain Maling, there is marked in the printed paper, in italics, the initials *C. L.* with the words "agreed to;" what is the meaning of those letters *C. L.*?

A. My first assistant is Colonel Loraine, *C. L.* are the initials of his name, and "agreed to," is put, and it then passes into his hands, and is acted upon.

Q. Is the entry marked with the initials *C. L.* the definitive entry with respect to any recommendation that comes before you?

A. No, it is not.

Q. If any alteration takes place afterwards, in what way is that noted?

A. It is commonly noted in the same manner upon the same paper.

Q. With the same initials?

A. When the initials are once put, there is no occasion to put them again, the paper invariably passes through the same channel.

Q. Is it usual when a recommendation is delayed in the office for want of sufficient information, but not definitely stopped, to mark that in the same way with these initials, *C. L.*?

A. I commonly put a memorandum upon every paper that passes under my hands.

Q. How would you mark a recommendation in that predicament?

A. If the paper was to be considered, I should say so; "to be considered."

Q. If further inquiries were to be made, what would you say?

A. I should probably say, "to be considered," or very probably, "cannot be acceded to." It is almost impossible for me to state the precise terms: I should adopt them according to circumstances.

Q. Would you state "not to be acceded to," when it was not determined that the recommendation should not be acceded to, but only delayed, while further inquiries were making?

A. If the paper was not to be acceded to, I should say,

say, "not to be acceded to;" but it does not follow that though it was not acceded to then, it might not be in a month afterwards, or three weeks afterwards.

Q. If the only reason for not acceding to the recommendation at that time, was the want of information, and that inquiries were making to obtain that information, would you mark "not acceded to?"

A. I really might or might not; it seems to me, as I conceive it, a matter of perfect indifference.

Q. How are the first commissions in the army commonly disposed of; the first commission that an officer receives?

A. Invariably without purchase, unless for some special purpose.

Q. Are those first commissions in the patronage of the Commander in Chief?

A. Yes they are, exclusively.

Q. You have stated that officers purchased according to their seniority, unless there were superior pretensions; do you mean in junior officers; will you explain what you mean by that?

A. Suppose there was a vacant company in a regiment, and a Lieutenant in that regiment was willing to purchase, it does not quite follow that the Commander in Chief would permit that Lieutenant to purchase, although he might be very eligible, because there might be other officers still more deserving than him in the army.

Q. Do those circumstances in point of fact frequently happen?

A. Continually.

Q. Within these late years have not a vast number of commissions been given to the officers of the militia, both in Great Britain and Ireland?

A. Yes; to a very considerable extent.

Q. What is the practice in the Commander in Chief's office, when an application is made, by any gentleman either in Great Britain or Ireland, by memorial or otherwise, for a commission for his son or relation?

A. It is the practice in the Commander in Chief's office to answer every paper that comes in, without exception. When any officer, or any gentleman makes an application for an Ensigncy, that application is invariably

bly answered, and the common answer is, ' that the name of the applicant is noted, and will be considered as favourable opportunities offer; the name is then put down in a book, and the letter is put by.

Q. Is it the practice in the Commander in Chief's office, particularly when applications come from Ireland, to refer those applications to the general officer commanding in the district from which they may have come?

A. The applications from Ireland are not considered regular, unless they come through the officer commanding the forces there, or through the civil channel of the Secretary of State.

Q. Amongst the document that you have given in, with respect to Major Tonyn, is there a document similar to that just alluded to, indorsed *C. L.* "agreed to," or any thing of that kind?

[Colonel Gordon referred to the document.]

" C. L."

" State Captain Long's services.

<i>Ens.</i>	-	-	<i>Liverpool Regt.</i>	-	-	<i>2d Oct. 1795</i>	<i>Origl.</i>
<i>Lieut.</i>	-	-	<i>65th</i>	-	-	<i>6th Jan. 1796</i>	<i>by P.</i>
<i>Lieut.</i>	-	-	<i>18th Drag.</i>	-	-	<i>31st Jan. 1799</i>	<i>by Exc.</i>
<i>Capt.</i>	-	-	-	-	-	<i>9th Mar. 1803</i>	<i>by P.</i>
-	-	-	<i>48th</i>	-	-	<i>10th Sept. 1803</i>	<i>by Exc."</i>

A. It amounts to the same thing; it is a slip of paper. This was the mode of transacting business by my predecessor: I generally do it upon the corner of the letter: I think it better, because this is liable to be lost, that would not.

Mr. Wilberforce. **Q.** Do you mean that commissions in new-raised regiments are always given away, or that Ensigncies are always given away?

A. The answer that I gave to the former question, I mean to stand exactly as it does; and I beg to explain, that there is no such thing as original commissions purchased; there are many Ensigns commissions for sale, but they are private property, arising out of the explanation that I gave to a former question: for example, a Captain sells his commission, that is, he sells his company; a Lieutenant buys that company; an Ensign buys that Lieutenantancy; both of which are the Captain's property;

perty; the Ensigncy then becomes vacant of course, by purchase.

Mr. Whitbread. Q. In point of fact, was the application of General Tonyn, in regard to his second son, successful?

A. I think it will be found on reference to the document, that the services of the second son of General Tonyn were not so long as those of the eldest son; and the General recommended the second son for purchase; and that he actually was promoted; I believe it will be found on reference to the dates, before the eldest son.

Q. You have stated, that when this large promotion took place, in consequence of the augmentation of the army, you were directed by his Royal Highness to lay before him a list of officers to be promoted into this augmentation, to be taken from the oldest officers of their respective ranks in the army; are you quite sure that the name of Captain Tonyn was included by you in the list you laid before the Commander in Chief, or was his name suggested as addition and alteration in that list by the Commander in Chief?

A. I recollect perfectly well the circumstances of that levy; it was at a period of the additional force act; and the names, upon the list which I submitted to the Commander in Chief, I really believe, were written, almost without exception, with my own hand. I had one assistant to assist me in making out the list; but I really believe, that the rough paper was actually written with my own hand.

Mr. Huskisson. Q. Do you answer, that you are certain you included Captain Tonyn's name in the list you submitted to the Commander in Chief, as being one of the oldest officers in the army in that class for promotion?

A. As certain as I can be of a thing that I could not possibly take my oath of.

Q. To the best of your recollection?

A. O; certainly.

Q. If the name of Captain Tonyn had been introduced by the Commander in Chief, having been omitted by yourself, would you not have recollected that circumstance?

A. Yes.

A. Yes, I think I should; it is in evidence before the Committee, on my first examination, I believe.

Q. Do you not put a mark upon all papers, upon which any thing is done or to be done?

A. It is my constant practice to make a mark upon every paper, without exception, that comes into that office: I mean to say that generally; many papers may escape me, but that is my general practice.

Q. According to what is done, or to be done?

A. What is to be done.

Q. State whether the Commander in Chief has not been in the habit of attending to recommendations by colonels of regiments for ensigncies in their particular regiments, provided the gentlemen recommended were certified to be eligible and fit for service, and ready to join their regiments?

A. Yes, certainly; but in giving my evidence before this House, I think it my duty to state, that the Commander in Chief does not consider that the patronage of the regiments in any manner whatever devolves upon the colonel.

[The Witness was directed to withdraw.]

On the motion of the CHANCELLOR of the EXCHEQUER, the House was resumed, the Chairman reported progress, and obtained leave to sit again on Monday.

After some conversation between Sir A. WELLESLEY, Lord H. PETTY, Mr. PONSONBY, Mr. S. BOURNE, Mr. WHITBREAD, and the CHANCELLOR of the EXCHEQUER (the latter of whom urged the propriety of following up the investigation of the subject before the House, and which seemed to be approaching to its close.)

It was ordered, that Mrs. Shawe, Mrs. Clarke, Mr. Donovan, Captain Sandon, Mr. Parker, (with Mr. Marsh's books), and several other witnesses, do attend the Committee on Monday.

MONDAY

MONDAY *February* 13, 1809.

Mr. WARDLE moved that the order of the day for the House going into a Committee to inquire into, &c. be now read, it was read and the House having gone into a Committee accordingly,

Mr. WHARTON in the Chair.

Mr. ROWLAND MALTBY was called in, and examined by the Committee, as follows :

Chancellor of the Exchequer. Q. Where do you live ?

A. At Fishmongers-hall.

Q. What is your profession ?

A. A solicitor.

Q. Are you acquainted with Mrs. Clarke ?

A. I am.

Q. How long have you been acquainted with her ?

A. I think about July or August 1806. If you will give me leave, I will state the way in which I became acquainted with her : it was through the medium of Mr. Russell Manners, who was a member of the last Parliament ; he married a sister of my wife's ; he told me that he had been introduced to Mrs. Clarke, who had professed an interest in him, and that she would endeavour to get a place for him through the means of the Duke of York, and he wished to introduce me to her. Under those circumstances I did not know how to refuse him, and I accordingly met her at his house. I believe I saw Mrs. Clarke perhaps five or six times in the course of that year ; afterwards I did not see her again till a court martial for the trial of Captain Thompson.

Q. In the year 1806, when you saw Mrs. Clarke, what business did you transact with her ; what passed between you and her on the occasion of your being introduced ?

A. No business, only a common acquaintance.

Q. Did you hear any more on the subject of the place she was to procure for Mr. Manners ?

A. I understood that she shewed Mr. Manners a letter,

ter, stating that the Duke was inclined, or would, comply with her request. I speak merely from memory, as it did not interest me.

Q. Did you see that letter?

A. I am not quite certain about it, whether I did or not, but I remember the contents.

Q. Do you remember from whom that letter purported to be received?

A. It purported, as Mr. Manners told me, for I am not certain whether I saw that letter, to come from the Duke of York.

Q. At what time of the year 1806 did you hear of or see that letter?

A. I think it was very soon after I saw her, July or August, to the best of my recollection.

Q. Did you hear from Mrs. Clarke at what time her connection with the Duke of York broke off?

A. No, I do not think she ever mentioned any thing on the subject to me. I was led to believe it continued, from what she said to me in conversation.

Q. In July and August she still represented to you that her influence over the Duke of York continued?

A. I understood from her that the connection was not entirely broken off, that she occasionally saw the Duke.

Q. Did you in the course of the year 1806, hear from her any thing respecting the obtaining of any places for any body?

A. Not to my recollection.

Q. I understand you to have said, that from the year 1806 to the year 1808, you did not see any thing more of her?

A. To the best of my recollection, not till the court martial in April.

Q. Have you, since that time, had any communication with Mrs. Clarke, upon the subject of obtaining places for any one?

A. Yes.

Q. When?

A. I will explain: as a reason for my keeping up a connection with Mrs. Clarke, Mr. Manners had a regimental account to settle as the son of General Manners,

No. XII.

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which

which was likely to be procured through the medium of the Duke of York; it was necessary to have a board of general officers in order to settle that account; Mr. Manners was indebted to me for sums of money I had occasionally advanced him to accommodate him, and I had an assignment of this debt, which amounted to about one thousand or twelve hundred pounds of Mr. Manners, for the purpose of repaying me; therefore I felt a little interested in getting the accounts settled, if I could. With respect to the question asked me, I had a communication with Mrs. Clarke respecting a Mr. Ludowick.

Q. When?

A. I think it was in September last; the latter end of August or September, to the best of my recollection.

Q. What was the nature of the communication respecting Mr. Ludowick, and the circumstances of it?

A. The circumstances were, that Mr. Ludowick wished to have some place or appointment, and Mrs. Clarke asked me, I believe, whether I knew of any such place; I said, that I would make some inquiry; and I learnt that it was possible that the place of Assistant Commissary might be obtained: the consequence was, that money was deposited for that place, and I was led to believe that it might be effected; however it failed, and never took effect.

Q. What is become of the money that was deposited, and in whose hands was it deposited?

A. The money was deposited in the hands of Birch and Co. in Bond-street; the money is there now.

Q. In whose name was it deposited?

A. Part of it was deposited in the name, I think, of a Mr. Lloyd and a Mr. Barber; another part of it was deposited in my name, and in the name of Mr. Barber.

Q. To whom was the money to be paid, in the event of the application for the place succeeding?

A. There was six hundred pounds deposited in the name of Messrs. Lloyd and Barber, I believe that would go into the hands of Mr. Lloyd; Mr. Barber was a friend of Mr. Ludowick's, and the money was only to be taken out on the event of the appointment taking place; the other one hundred and fifty-seven pounds, I think that

that was the sum, would have passed through my hands, and I should have paid it over to the person with whom I communicated.

Q. With whom was it that you communicated?

A. With an agent, who was accustomed to make inquiries of that kind; may I be excused naming him? . . . His name was Tyndale.

Q. Where does Mr. Tyndale live?

A. He lives in Symonds-buildings, Chelsea; or Symonds-street.

Q. Who is Mr. Lloyd?

A. Mr. Lloyd I do not know; I believe he is an attorney.

Q. How came Mr. Lloyd to be entitled to so large a share of this sum?

A. I understood that the agent would have a handsome emolument from it, which was one hundred and fifty-seven pounds.

Q. But the one hundred and fifty-seven pounds was deposited in your name and Mr. Barber's?

A. It was.

Q. Then that hundred and fifty-seven pounds was to go to the agent Mr. Tyndale?

A. Yes.

Q. I now enquire as to the six hundred pounds; who was to have the benefit of that?

A. Mr. Lloyd would have received that, I presume; I do not know of my own knowledge.

Q. You do not know what Mr. Lloyd was to do with it, whether he was to keep it?

A. No; I had no communication with Mr. Lloyd, or any one, upon that subject.

Q. Who introduced Mr. Ludowick to you?

A. Mrs. Clarke mentioned Mr. Ludowick to me; I never saw him; I mean introduced by name, not personally.

Q. Are you quite certain you never saw Mr. Ludowick?

A. Never, to my knowledge.

Q. Did Mrs. Clarke tell you how she became acquainted with Mr. Ludowick?

A. Upon recollection, I am not certain whether she said he was an acquaintance of her's, or an acquaintance

of Mr. Barber's; but I understood from her conversation that she knew Mr. Ludowick, that she had seen him; she said, he was a very genteel man, and very fit for the place, very much of a gentleman, and a man of property.

Q. Did she state where he lived?

A. I think she said he lived in Essex.

Q. Do you recollect what part?

A. I am not certain whether she said Grays in Essex, that is only her relation; I think that she said Grays.

Q. Is Mrs. Clarke acquainted with Mr. Tyndale?

A. No.

Q. Was she acquainted with Mr. Barber?

A. Yes.

Q. Was she acquainted with Mr. Lloyd?

A. I do not think she was.

Q. Who introduced Mr. Lloyd into this business?

A. Mr. Tyndale.

Q. Who introduced Mr. Tyndale into it?

A. I introduced Mr. Tyndale into it, by making the inquiry.

Q. What share was Mrs. Clarke to have in the benefit to be derived from procuring this place?

A. Nothing.

Q. Nothing at all?

A. No, nothing.

Q. What share were you to have for the procuring this place?

A. Nothing; I did not mean to take any thing.

Q. You and Mrs. Clarke only did it for your pleasure?

A. Mr. Ludowick was a friend of Mrs. Clarke's, and I wished to oblige Mrs. Clarke by introducing this thing, if I could.

Q. How came Mrs. Clarke to apply to you to assist her in procuring this place?

A. I believe from my calling upon her.

Q. How came you to call upon her?

A. I called upon her sometimes; she wrote to me, and I wished to keep up an acquaintance with her for the purpose of effecting the object of the account.

Q. How came you to think that at this time Mrs. Clarke

Clarke, could help you in effectuating the object of the account?

A. I did think so.

Q. Through whom?

A. From her; I thought that she still had an influence or some communication with the Duke.

Q. Did she so represent herself to you?

A. Yes.

Q. At what time?

A. She so represented herself to me when we were down at the court martial, and since that time.

Q. At the time of the court martial, and since that time, she represented to you that she still had influence over the Duke of York to procure things to be done?

A. Yes, I understood that the connection was not entirely at an end, that she had still a connection or an interest with him.

Q. Was this the first instance of your assisting her in procuring a place for her friend?

A. Yes, I think it was; I do not recollect any thing else.

Q. Is there any other instance in which you have been so employed?

A. Nothing effected at least.

Q. This was not effected; was there any thing else in which an attempt was made?

A. Yes; she asked me whether a paymastership could be procured for a friend of her's.

Q. Who was that friend?

A. It was a Mr. Williams.

Q. Where does he live?

A. I understood he lived in Devonshire.

Q. Did you endeavour to procure that paymastership for Mr. Williams?

A. I made inquiry, and understood that it might be effected; but nothing was done in it.

Q. Of whom did you inquire?

A. Of the same person.

Q. Of Mr. Tyndale?

A. Yes.

Q. Through whom was Mr. Tyndale to procure this paymastership; did he tell you?

A. No.

Q. Was there any money deposited upon that occasion?

A. Nothing.

Q. Was there any other instance in which you were applied to by Mrs. Clarke?

A. Yes, in the same way, but nothing done.

Q. On whose behalf was that?

A. That was Mr. Thompson, who was connected with her.

Q. When was that?

A. I think it was in August.

Q. Was that before Mr. Williams's?

A. Yes.

Q. And before Mr. Ludowick's?

A. Yes.

Q. I thought you stated, that there had been no instance of your applying for any body before Mr. Ludowick; I misunderstood you, I suppose?

A. Yea; I did not mean to say there was no instance of an application before I mentioned that, as being the thing the most likely to be effected.

Q. About what time was Mr. Williams's?

A. I think that Mr. Williams's was during the same period that she mentioned it to me; I think about the time of Mr. Ludowick's.

Q. Was any money deposited upon that occasion?

A. No.

Q. What office was he to obtain?

A. He was to have a paymastership, as she represented to me.

Q. What did Thompson want?

A. To go into the militia.

Q. Did you make any inquiries upon that?

A. Yes, I did.

Q. Of whom did you inquire upon that?

A. The same person, Mr. Tyndale.

Q. Do you recollect the name of any other person for whom you were to make inquiries?

A. I think there was a Mr. Lawson.

Q. What office was he to obtain?

A. He wished to obtain a place in the Custom-House, I and Waiter.

Q. Did

Q. Did you make any inquiries respecting him?

A. Yes, I did; I made inquiries of the same person, but nothing was effected.

Q. Was there any money deposited upon that occasion?

A. None.

Q. Did Mrs. Clarke recommend all these persons to you?

A. Yes.

Q. Is there any other person whom you can recollect?

A. No, I do not immediately recollect any person besides.

Q. I think you stated that there was no money deposited, except in the case of Ludowick; was there any agreement for the deposit or payment of money in the other cases, in the event of the application succeeding?

A. In the event of the application succeeding in the case of Mr. Thompson, some remuneration was intended to be made.

Q. What?

A. I think it was about two hundred and fifty pounds.

Q. For the commission in the militia?

A. Yes.

Q. Who was to have that two hundred and fifty pounds?

A. I do not know, I am sure.

Q. Did not you negotiate with Mr. Tyndale?

A. I asked Mr. Tyndale about it, and he said he thought he could procure it.

Q. For two hundred and fifty pounds?

A. Yes.

Q. Was not it at all mentioned in that conversation, who was to have the benefit of the two hundred and fifty pounds?

A. No, I did not ask any questions of Mr. Tyndale, I thought it indelicate to ask questions.

Q. You were to have nothing for any of these transactions? A. No.

Q. Nor Mrs. Clarke?

A. Nor Mrs. Clarke; Mr. Thompson was her brother, I think.

Q. In the other cases, of Mr. Lawson and Mr. Williams, was she to have nothing in those cases?

A. I do not know that she was, I am pretty sure that she was not.

Q. Are

Q. Are you serious in saying that she was to have nothing for those?

A. Yes.

Q. Do you know any person that she calls the Duke of Portland in these transactions?

A. No.

Q. You never heard her say, that she dignified you by the name of her Duke of Portland?

A. Never, till I heard it by accident.

Q. What accident led you to hear that?

A. I was coming into the city one day, I met Sir George Hill, with whom I have the honour of being acquainted, and he told me the circumstance.

Q. Of her having mentioned it here?

A. Yes, I did not hear of it before, and had no idea of the circumstance.

Q. Was Ludowick recommended for any other place besides that of assistant commissary?

A. When that failed he wished to have a paymastership in lieu of it, rather than give up the money; I understood that from Mrs. Clarke, but it did not turn out to be the case.

Q. How long is it since you have given up all hopes of succeeding for Mr. Ludowick?

A. I believe a month or two.

Q. How happens it that the money still remains in Mr. Birch's bank?

A. Because they have not asked to have it back again; I know of no other reason; they might have it back whenever they pleased; I told Mrs. Clarke some time ago, they had better take the money back, that there was not a likelihood of it being effected.

Q. Did you ever acquaint Mr. Ludowick with that circumstance?

A. I never spoke to him.

Q. Had you any communication with Mr. Lloyd yourself?

A. No.

Q. Are you at all acquainted with Messrs. Coleman and Keyler?

A. No, not at all.

Mr. Stephens

Mr. Stephens. Q. Do you recollect the Christian name of that Mr. Williams whom you spoke of?

A. No, I do not.

Q. Did you ever see him?

A. Not to my knowledge.

Q. Do you happen to know whether it is the same Mr. Williams who appeared in this House a few nights ago?

A. I never saw that gentleman, but I have no reason to think so; because I understood he lived in Devonshire, and was a respectable man.

Q. Do you know whether Mr. Tyndale was originally an ensign in the 17th foot, and afterwards a cornet in the 17th light dragoons?

A. I understood that he had been in the army; but I do not know in what regiment.

Q. Did you ever understand from any person that Sir Arthur Wellesley's being engaged at Chelsea was the reason that this business of Lugowick did not succeed?

A. No, I understood from Mr. Tyndale, that the trial at Chelsea occupied the public attention so much, that it stood in the way of the appointment.

Q. Then you never did hear from any of the parties Sir Arthur Wellesley's name mentioned?

A. No.

Q. Up to what period did Mrs. Clarke represent herself to you as being possessed of influence with the Duke of York sufficient to obtain places?

A. I had reason, from conversations with her, to think, that even to the eve of this inquiry, the Duke had not deserted her.

Q. Is that mere supposition, or has she stated to you any thing positively upon that subject since May 1806?

A. She has said those kind of things to me, that induced me to believe it, such as that the Duke was about providing for her upon a smaller establishment than formerly; and those kind of things which have induced me to think he had not deserted her.

Q. Did you yourself suppose you had any influence with the Duke of York?

A. Not the least.

Q. Then how do you account for Mrs. Clarke's employing you to solicit favours, which, you say, you understood she was able to obtain herself?

A. I cannot account for that.

Mr.

Mr. B. Bathurst. Q. Did you ever represent to Mrs. Clarke, that you had any influence with the Duke of Portland?

A. No.

Q. With whom did you represent yourself to have any influence, so as to induce her to make those applications repeatedly to you?

A. I did not represent myself as having influence with any person whatever.

Mr. Whitbread. Q. With whom did you understand Tyndale to have any influence?

A. I did not know; I did not ask him any questions.

Q. Then the Committee are to understand, that you were a party to the deposit of money in the hands of third persons, for the purpose of procuring a place, without knowing through whose medium that place was to be procured?

A. I did not know through whose medium it was to be procured.

Lord Falkstone. Q. Did you ever make application to Mrs. Clarke upon any other subject, except the liquidation of the debt supposed to be due to Mr. Manners?

A. I do not recollect that I did.

Q. When did you see Sir George Hill?

A. I saw Sir George Hill on Saturday, and I saw him yesterday morning.

Q. What rank in the militia was Mr. Thompson to obtain for two hundred and fifty pounds?

A. A captain's commission.

Q. In what regiment of militia?

A. I do not know the regiment.

Q. Mr. Tyndale negotiated the business?

A. It was not negotiated; I understood, from Mr. Tyndale, that he could get it effected, but it was never negotiated.

Q. Were you to receive any advantage from any of those transactions, if they had been carried into execution?

A. No, I should not have received any thing.

Q. What was your motive for undertaking such a negotiation?

A. It was to oblige Mrs. Clarke; it was her relation.

Q. Was

Q. Was the negotiation respecting Mr. Ludowick to oblige Mrs. Clarke?

A. Yes, he was a friend of her's

Q. Are you acquainted with Mr. Lloyd?

A. No.

Q. Did you ever write a letter to Mr. Lloyd?

A. No, I do not recollect that I ever wrote to Mr. Lloyd; I did not know him; I do not think I could possibly write a letter to him; I am pretty certain I did not, because I had no communication with him whatever.

Q. Are you quite certain you never wrote to Mr. Lloyd?

A. I am certain in my own mind; I should be very much surprised to see a letter of mine to Mr. Lloyd.

Q. Recollect whether you ever did or not write to Mr. Lloyd?

A. I do not recollect that I ever did; I am confident, as far as my memory serves me, that I did not.

Q. Are you certain that you never did?

A. I am as certain of that as I can be of most things.

Q. Did you ever see Mr. Ludowick?

A. No.

Q. Who spoke to you of Mr. Ludowick?

A. Mrs. Clarke.

Q. What did Mrs. Clarke know of Mr. Ludowick?

A. I do not know; she spoke to me as if he was a friend of her's, but I do not know what the acquaintance was between them.

Q. You were to procure this situation for Mr. Ludowick?

A. It was not to procure it; but I mentioned it to Mr. Tyndale, who thought he could effect it.

Q. You were employed by Mrs. Clarke to mention Mr. Williams to Mr. Tyndale?

A. Yes.

Q. And Mr. Thompson?

A. Not to mention him to him, but I mentioned them to him of my own accord.

Q. She applied to you to procure those situations?

A. Yes.

Q. Did you represent yourself as able, by your own influence, to procure those situations?

A. Not the least; I never had such an idea.

Q. Did

Q. Did you ever tell her you were to apply to a third person to procure those situations?

A. I do not know that I told her that distinctly; but I said I would inquire, to the best of my recollection, whether such a thing could be obtained.

Q. You are certain of that?

A. I am certain I never represented myself as having any interest to procure any place, not personally.

Q. Are you certain you never told her that you were to apply to another person to procure those appointments?

A. To the best of my recollection, I said I would make inquiry.

Q. Did you ever name Tyndale to Mrs. Clarke?

A. Never, I believe.

Q. Who introduced Tyndale to you?

A. I met Mr. Tyndale frequently at a place where I used to go.

Q. Where was that?

A. It was a Mr. Robins in Bartlett's buildings.

Q. Who was Mr. Robins?

A. He was a solicitor; I used to see him there when I called occasionally.

Q. Did you ever see Mr. Barber?

A. I saw Mr. Barber once.

Q. Where?

A. I called upon him.

Q. Where?

A. In Union-court.

Q. About this business of Mr. Ludowick's?

A. Yes, about this business, to offer to return him the money.

Q. What was his answer?

A. I think he said he would see Mr. Ludowick; he did not ask for the return of the money.

Q. Do you know what connection subsists between Mr. Barber and Mr. Lloyd?

A. No, I do not know that any connection subsists between them.

Q. You never saw Mr. Lloyd?

A. Not to my knowledge.

Q. Do you recollect now having ever written to Mr. Lloyd?

A. No, I do not.

Q. Are

Q. Are those transactions with respect to Mr. Ledwick, Mr. Thompson, Mr. Williams, and Mr. Lawson, the only transactions of the sort in which you recollect to have been engaged?

A. I do not recollect any others.

Q. Recollect yourself?

A. There have been things mentioned, but nothing done.

Q. Some others have been mentioned?

A. Yes, I think there have.

Q. What are those?

A. I think a place of a Clerk in the War Office.

Q. When was that?

A. I believe it was about August, but I am not quite certain.

Q. August last?

A. Yes.

Q. Had Mrs. Clarke any thing to do with that?

A. Yes, I believe she asked me about it.

Q. Did you undertake that, at the request of Mrs. Clarke?

A. I made an inquiry.

Q. Did you make an inquiry at the request of Mrs. Clarke?

A. I think I did.

Q. Was it or was it not at the request of Mrs. Clarke, that you made that inquiry?

A. I think it was.

Q. Are you sure?

A. I am pretty confident.

Q. Be quite sure?

A. I think so, that it was at her request.

Q. Was it effected?

A. No, it was not.

Q. What were you to receive for that, supposing it had been effected?

A. I should not have received any thing for that.

Q. Was any body to have received any thing for that?

A. Yes.

Q. Who?

A. I do not know who; it was never negotiated.

Q. In behalf of whom was the place to be procured?

A. I do not recollect the name.

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Q. What

Q. What sum was to be given in case it was obtained?

A. I think about three or four hundred pounds.

Q. To whom did you apply about that?

A. Mr. Tyndale: I did not know any body else that was likely to effect this object.

Q. Was it at Mrs. Clarke's request that you undertook that?

A. I think it was.

Q. You do not recollect the name of the person?

A. No.

Q. Do you recollect any other transaction?

A. No, I do not recollect any other.

Q. There is this clerkship in the War Office, this affair of Mr. Ludowick, this affair of Mr Williams, this affair of Mr. Thompson, this affair of Mr. Lawson; do you recollect any other?

A. No, I do not.

Q. Are you quite sure there was no other transaction of the same sort?

A. I do not recollect any other.

Q. You do not know that there was not?

A. No, I do not recollect any other.

Q. You are not sure that there was no other?

A. My memory may escape me, but I do not recollect any other.

Q. What was the place which you negotiated for Mr. Russell Manners, in the year 1806?

A. I did not negotiate any place for him.

Q. Did not you endeavour to obtain a place for Mr. Russell Manners, through the medium of Mrs. Clarke, in 1806?

A. No.

Q. What was your transaction with Mrs. Clarke in 1806?

A. I had no transaction with Mrs. Clarke in 1806.

Q. What was your acquaintance with her in 1806?

A. It was through the medium of Mr. Manners, who married my wife's sister; I had no acquaintance with her previous to that period.

Q. From 1806 to April 1808, your acquaintance with Mrs. Clarke dropped, did it not?

A. Yes; I do not think I saw Mrs. Clarke from August or September 1806 till the court martial in April 1808; I do not recollect that I did.

Q. That

Q. That court martial was held at Colchester?

A. It was held at Weeley, near Colchester.

Q. How soon after that court martial did you again see Mrs. Clarke?

A. I do not recollect; I did not know where Mrs. Clarke lived.

Q. Where did she live when you next saw her?

A. If I recollect right, she lived in Holles-street; lodged there for a short period.

Q. You do not know in what month that was?

A. No; I cannot speak positively, but I think it was before she went to Bedford-place.

Q. Did you go to her of your own accord, or did she send to you?

A. She wrote me a note, to call upon her; I did not know where she lived.

Q. She stated, I suppose in her letter, where you were to call upon her?

A. Yes.

Q. What was the object of her desiring to see you?

A. I do not recollect what she said; I think it was something relative to what passed at the court martial, but I do not recollect.

Q. Was it not to obtain some place for Mrs. Clarke, that she sent for you?

A. No.

Q. You are positive of that?

A. Yes; I am pretty positive of it; I have not the least recollection of it.

Q. When was it that the first of these transactions you have mentioned took place?

A. I think in August.

Q. That was a clerkship in the War Office, was it not?

A. No, I think it was about Mr. Thompson.

Q. Was Mr. Thompson's the first transaction of the sort that took place after the court martial?

A. I think it was; there was no great distance of time between all these things.

Q. Was there no other transaction of this sort took place between the court martial and the affair of Mr. Thompson, besides those which you have enumerated?

A. I do not recollect any.

Q. Have you ever prosecuted any business of this sort with success?

A. Never.

Q. Never in your life?

A. No.

Q. And you engaged in these businesses out of pure good nature?

A. I thought it would oblige Mrs. Clarke, and I wished to accomplish the object I had in view, to have Mr. Manners's accounts liquidated.

Q. How could you suppose, that by obliging Mrs. Clarke you could get Mr. Manners's accounts liquidated, when she had so little interest, that she was obliged to apply to you to accomplish these different businesses?

A. Because she told me that she still had an interest with the Duke of York, and that she was in some degree under his protection.

Q. Are you quite positive she told you that?

A. I am quite satisfied that she told me that, or gave me to understand it; I had no reason to dispute it, from the tenor of her conversation to me more than once, as I mentioned before, that the Duke of York kept her upon a smaller establishment, and I really believed she was under the protection of the Duke of York, or that he was about to re-establish her.

Q. Did it never occur to you to remark to her, that if she had that influence with the Duke of York, she was much more likely to prevail in such transactions than yourself?

A. No, I never made that remark.

Q. Where was it that she gave you to understand this, at Colchester?

A. I think it was at Colchester, or going down to Colchester; it was about that time.

Q. You do not now recollect any other transactions besides those you have mentioned?

A. No, I do not call any to my memory.

Q. You do not recollect ever having written to Mr. Lloyd?

A. No, I do not.

Q. How many interviews do you suppose you had at different times with Mr. Tyndale?

A. Upon my word I cannot tell, I have no idea; I have been used to see him frequently.

Q. A

Q. A great many?

A. Yes, I have frequently seen him.

Q. Then do you mean to state, in point of fact, upon no one of those interviews you have ever, from your own curiosity, or any other motive, asked Mr. Tyndale through whose interest those appointments were to be procured?

A. Upon one occasion, in the case of Ludowick I think it was, I asked Mr. Tyndale, pressing very much to have it effected, what channel do you suppose this comes through? he supposed it might come through the Wellesley interest, I think he said; he did not mention any particular person.

Q. That answer was given by Mr. Tyndale in respect to Mr. Ludowick's appointment?

A. Yes.

Q. Did you never hear Mr. Tyndale mention any other name in respect to the channel through which any other was to come?

A. No, I did not ask him any question as to the channel, except upon that occasion, when I pressed so much to have it effected.

Q. Mr. Ludowick's was the third application you made to Mr. Tyndale; do you mean to state that in the applications for Thompson and Williams, which were previous, you never heard through whose influence those were to be obtained?

A. No, I did not ask him any questions.

Q. Not till the third application?

A. I do not say it was the third application, but not till that application.

Q. What led you to Mr. Tyndale?

A. Being acquainted with him, and knowing that he was a kind of agent, and had information of that nature.

Q. Had you any reason to know that Mr. Tyndale had the power of obtaining any offices?

A. No, not personally.

Q. Then do you mean to state that you applied to Mr. Tyndale in a great many instances, without knowing that there was any probability of his obtaining the offices he was employed to obtain?

A. Yes, except from his own statement or representation, that he thought he could get them.

Q. By what means did he state that he thought he could effect them?

A. He did not state the means; I did not inquire into the channel; I do not know what communications he had, nor with whom he was connected.

Q. Do you mean to state, that after you had applied to him repeatedly, and he had failed in obtaining those situations for which he was applied to, that you continued still to apply to him without hearing from him the means by which he was to obtain future situations?

A. Yes; I did not know that he had any interest in himself to effect those objects.

Q. Had you been in the habit of negotiating, or have ever negotiated for any situations of this kind, previous to your knowledge of Mrs. Clarke?

A. No.

Q. State whether Mrs. Clarke gave you any hopes that Mr. Russell Manners's object would be effected?

A. I was about to state the purport of a letter, but it is not correctly evidence, which I do not know whether I have seen or not; but I remember the contents of it perfectly well, particularly one expression of the letter, purported to be written by the Duke, and it, said that he would give Mr. Manners a place suitable to his name and family. I remember that expression, I think those were the very words; or, that would not disgrace his name and family; something to that purport. This communication was not made to me, it was made to Mr. Manners by Mrs. Clarke, this letter that I speak of, and Mr. Manners communicated it to me.

Q. Did Mr. Manners state to you that he had seen such a letter, or did he bring such a letter to you?

A. I am sure that he stated such a letter to me, but I do not think I saw the letter.

Q. Do you recollect at what time this passed?

A. I think about the month of August 1806, as nearly as I can recollect, perhaps it might be July.

Q. Did Mr. Manners state to you from whom he had the letter?

A. To the best of my recollection it was a letter written by the Duke to Mrs. Clarke, which she shewed to him. I do not know whether she inclosed the letter to Mr. Manners

Manners, whether he had the actual possession of it, or only saw it in her possession.

Q. Did you see Mrs. Clarke afterwards, and have any conversation with her upon this letter?

A. I do not recollect that I had; I saw her afterwards, but I do not recollect that I said any thing to her upon the subject.

Q. When you saw her afterwards, had you any conversation with her upon Mr. Manners's business?

A. I do not recollect that I had; for I generally saw her in the company of Mr. Manners.

Q. When you saw her in company with Mr. Manners afterwards, did any conversation pass on Mr. Manners's business?

A. No, I do not recollect that there was.

Q. Not up to this hour?

A. No; Mr. Manners has been abroad for a year and a half.

Q. Have you conducted his affairs since he has been abroad?

A. No; he has no affairs to conduct, in fact.

Q. Did Mrs. Clarke, in your hearing or to you, say that she had mentioned Mr. Russell Manners's business to the Duke of York?

A. I do not recollect that she ever said that in my presence.

Q. Did you ever hear her say any thing upon that subject?

A. I do not recollect that I ever did; for I saw Mr. Manners so frequently that he communicated every thing to me. I do not think I ever spoke to her upon that subject.

Q. Did any conversation pass between her and Mr. Manners upon the subject in your presence?

A. I do not recollect any conversation.

Q. Did you transact all this business for her gratuitously, or did you hope that this object would be effected, and that you should be remunerated in that way?

A. I had no gratuity for it, but I hoped that I should get the account settled.

Q. Have you expected that in the course of the last year?

A. I

A. I have expected it; I remember speaking to Mrs. Clarke about it frequently, and not long ago. I think about a month.

Q. You spoke to her upon the subject about a month ago?

A. Yes.

Q. Did she at that time give you hopes that it would be effected?

A. She said, you may speak to me upon that about two months hence.

Q. Did she say at all that she had mentioned the subject to his Royal Highness?

A. No, she never did.

Q. Not at any other time?

A. No; she seemed as if she wished to postpone that application; that I must speak to her about two months hence. That was about a month or six weeks ago.

Q. Was it up to that late period of a month or six weeks ago you still supposed her to have influence with the Duke of York?

A. Yes, I still thought so to the eve of this Inquiry, from her representations to me and her conversation.

Q. Did you think so from her representations and conduct?

A. Yes, from her representations.

Hon. Mr. Lyttleton.—Q. You have stated, that in one of those transactions the money was left at the house of Messrs. Birch and Co. have you any credit with that house?

A. No, I have no account with that house.

Q. They do not discount bills for you?

A. No.

Q. Do you happen to know whether Mrs. Clarke has any account with the house of Messrs. Birch, where this money was left?

A. I do not know that she has.

Q. Who proposed that the money should be deposited there?

A. I think it was Mr. Tyndale; I am pretty confident it was.

Q. Has it ever happened to you, in transactions of this nature, to have money deposited at a house where you have a credit?

A. I

A. I never had any of this money deposited upon my own account; I do not know whether it is customary.

Q. I do not ask as to money deposited on your own account, but money on account of persons concerned in such a negotiation?

A. I have no experience upon that subject, though I believe it is customary to deposit the money with the Bankers to one of the parties, but I do not think Birch and Company were bankers to any of the parties.

Q. Has it ever happened to you in a negotiation of this kind, that the money should be deposited at a Banker's where you had a credit?

A. No.

Q. Was it Mrs. Clarke who made the proposition to you in the first affair you were concerned in, or you to Mrs. Clarke?

A. I think Mrs. Clarke asked me the question; I think she made the proposition.

Q. What question did Mrs. Clarke ask you?

A. I think it was about Thompson.

Q. What was the question Mrs. Clarke put to you?

A. That she wished to get a Commission for him, and inquired whether it could be effected.

Q. Did the Bankers allow any interest upon the sum deposited?

A. I apprehend not; I take that for granted.

Q. You are sure they did not allow four per cent.?

A. I am pretty certain they did not.

Q. Are you perfectly sure?

A. I have had no communication with the Bankers; I never heard that they did, and I rather think they did not, for the parties do not expect interest for their money, and I do not think that the Bankers, upon those occasions, allow any interest generally; I never heard that they did.

Q. Are you perfectly certain that you never did, in any former transactions, derive an advantage from the lodgment of money at Messrs. Birch and Company's?

A. Yes; I am perfectly confident of it.

Q. You have said, that you were not certain whether some conversation passed with Mrs. Clarke at the court martial, or going down to Colchester; did you go down to Colchester with Mrs. Clarke?

A. I did. She called upon me; she said she was going to

to Colchester, and I was summoned very suddenly to the court martial; I had but an hour's notice; she said she was going down in a post-chaise; I said, then we may as well go together, and we accordingly did go down in a chaise together.

Q. Did you not give evidence upon that court martial that you had not seen Mrs. Clarke either for some weeks or months preceding that trial?

A. I think to the best of my recollection, that I said I had not seen her from August 1806 till she called upon me.

Q. Up to the period of your evidence?

A. Up to the time when she called upon me.

Q. Will you be perfectly clear in your recollection, whether you did not say that upon oath?

A. I do not recollect that I did; I should wish to hear that part read if it is in Court; I have no idea that I differed upon that occasion from what I state now. I am sure, upon both occasions, I state to the best of my recollection; I may be mistaken in these trivial circumstances which did not interest me; that I did not see her from August 1806 till she called upon me to go down to the court martial; I think I stated that.

Q. Will you state positively that you did not upon that trial, on oath, state that you had not seen Mrs. Clarke for either weeks or months up to the period at which you gave your evidence?

A. I do not recollect that; if I did it must be a mistake; I fancy I corrected it, if I stated that: but I must be misunderstood upon that occasion.

Q. In any of the conversations you had with Mrs. Clarke or Mr. Tyndale on the subject of these transactions, was the Duke of York's name ever mentioned?

A. Never.

Q. You are sure it was not upon any occasion?

A. I am certain it was not; nor the name of any other person except in the way I have mentioned.

Mr. Huskisson. Q: You have stated, that about two months ago you informed Mrs. Clarke that there was no hope of getting a situation for Mr. Ludowick; what circumstance induced you to form that opinion, and to communicate to Mrs. Clarke that there was no hope of success for Mr. Ludowick?

A. From

A. From Mr. Tyndale; he told me that he thought that he could not effect it.

Q. Mr. Tyndale told you that he thought he could not effect it?

A. Yes.

Q. Did he give you any reason for his failure?

A. I think he said, to the best of my recollection, that a new arrangement had taken place in that department, or something to that purport.

Q. When did Mr. Tyndale tell you that the appointment was only delayed on account of the Inquiry at Chelsea respecting the Convention at Cintra?

A. It was during that Inquiry or that Trial.

Q. Then you were led to hope, pending the Board of Inquiry at Chelsea, the appointment would take place as soon as that was over?

A. I thought so from what he said to me.

Q. And two months ago you were informed by Mr. Tyndale that there was no chance of success, owing to a new arrangement?

A. I think it was only about a month.

[The following Questions and Answers were read:]

“ **Q.** In any conversations you had with Mrs. Clarke or Mr. Tyndale on the subject of these transactions, was the Duke of Portland's name ever mentioned ?

“ **A.** Never.”

“ **Q.** You are sure it was not upon any occasion ?

“ **A.** I am certain it was not, nor the name of any other person, except in the way I have mentioned.”

Q. What do you mean by “ except in the way you have mentioned ?”

A. That he said, that the place of assistant commissary he thought would be procured through the Wellesley interest, not mentioning any particular name.

Q. Were you yourself acquainted with the hand-writing of the letter which you stated to have been a letter from the Duke of York ?

A. I do not recollect that I ever saw the letter.

Lord

Lord Folkstone. Q. Were you ever engaged in any transaction about writerships or cadetships for India?

A. No, I think; excepting once a person asked me about a cadetship.

Q. Who was the person who asked you about a cadetship?

A. Mr. Donovan.

Q. You are acquainted with Mr. Donovan, are you?

A. I have an acquaintance with him.

Q. What did he ask you about a cadetship?

A. He asked whether it could be procured.

Q. When was this?

A. I think it was about six weeks ago.

Q. What did you answer?

A. I said, that I would inquire about it.

Q. Did you inquire?

A. Yes.

Q. What was the result?

A. That it might be procured was the result.

Q. Of whom did you enquire?

A. I inquired of this same gentleman.

Q. And he told you it might be procured?

A. Yes.

Q. Was it procured?

A. No.

Q. How came it not to be procured, do you know?

A. I do not know how it came not to be procured.

Q. Tyndale told you he could not procure it?

A. No, he said he could.

Q. From whom did you learn that it could not be procured?

A. I do not know that it cannot be procured. Nothing is done in it that I know of.

Q. What suspended the negotiation?

A. I do not know exactly, but I fancy the party was not in town, or something of that kind.

Q. What party?

A. An acquaintance of Mr. Donovan's.

Q. The party who wanted to procure it?

A. Yes.

Q. Is the business in suspense now? Is it in a train of proceeding now?

A. I do not know.

Q. How

Q. How long is it since you have lost sight of this transaction?

A. I believe perhaps a week.

Q. Then a week ago you knew something of this transaction, did you?—A. Yes.

Q. What did you know of it then? Was it in a train of proceeding then?—A. Yes.

Q. Had the party come to town then?

A. No, I believe not.

Q. It was in the regular process, was it?

A. Yes, I understood it might be effected.

Q. From whom did you understand that?

A. From Mr. Tyndale.

Q. Do you expect; now, it will be effected?

A. Upon my word, I do not know.

Q. What was to be paid, if this transaction was brought to a successful conclusion?

A. I do not know that any particular sum was mentioned upon that, unless it was one hundred and fifty pounds.

Q. One hundred and fifty pounds; to be paid to whom?

A. That I do not know. Mr. Tyndale, I suppose, would receive it, effecting the thing.

Q. Mr. Tyndale would have one hundred and fifty pounds?

A. Yes.

Q. What should you have?

A. I should not have any thing. Mr. Donovan, I suppose, would have paid the money to me, and I should have paid it over to Mr. Tyndale.

Q. Are you a Lawyer?—A. Yes.

Q. Were you aware that this was an illegal transaction?

A. No.

Q. Are you aware of that now?—A. No.

Q. Was this the only occasion on which Mr. Donovan employed you to negotiate a Writership, or a Cadetship to India?—A. Yes.

Q. Are you positive of that?

A. Yes, I do not recollect any other.

Q. Are you positive there was no other?—A. Yes.

Q. Quite positive.—A. Yes.

Q. How long have you been acquainted with Mr. Donovan. XIII. O O

Donovan?—A. I do not exactly recollect, perhaps a year.

Q. Try to recollect as nearly as you can?

A. I think it is about a year, not quite.

Q. Do you manage Mr. Donovan's affairs?—A. No.

Q. Are you an agent of Mr. Donovan's in other matters besides this?—A. No.

Q. How long have you been an agent of his in these transactions?

A. I am not an agent of his.

Q. How long has Mr. Donovan consulted you, or courted your assistance in transactions of this sort?

A. I do not know exactly; I have called upon Mr. Donovan occasionally upon other matters.

Q. How often has Mr. Donovan talked to you upon matters of this kind?—A. I cannot tell.

Q. In how many instances has Mr. Donovan employed you in transactions of this sort?

A. Only on that one.

Q. Are you quite positive he has employed you upon no other?—A. I do not recollect any other.

Q. Upon what other transactions did you go to see Mr. Donovan?

A. Mr. Donovan is intimate with Lord Moira, and I have called upon him to know whether Lord Moira's sister was arrived in England, because I expected a relation of mine would come over about the same time, or that I should have intelligence about her.

Q. Come from where?—A. From Vienna.

Q. Do you know a person of the name of Gibson?

A. No; what Gibson.

Q. Do you know of a Mr. Gibson of Coventry-street?

A. No.

Q. Do you know a Mr. Gibson who was lately negotiating for the place of Tidewater?—A. No.

Q. You never heard of him?—A. No.

Q. Mr. Donovan never named him to you?—A. No.

Q. Did Mr. Donovan introduce you to Mrs. Clarke at any time?—A. No.

Q. Did you never see Mrs. Clarke from the year 1806 till

Will the time she called upon you to go with her to Colchester in April 1808 ?

A. I do not recollect that I did.

Q. Had you ever any intercourse with her by letter, during that period ?

A. Yes, I think I had letters from her before the Court Martial, about her brother, Mr. Thompson.

Q. Was this upon the affair of the Court Martial ?

A. I believe that related to it.

Q. Try to be certain what it was she wrote to you about.

Q. I really cannot recollect the contents of the letter, but I think it respected some Bills of Exchange which came before the Court Martial, and there was some difficulty about them ; she was afraid he would be arrested, I think ; but I do not recollect the purport of the letter.

A. Had you no correspondence with her about matters of this sort ?

Q. No, I do not recollect any communication of the sort.

A. Was it in consequence of that communication that she called upon you in the chaise as she went down ?

Q. I recollect that she wrote to me a few days before, that she thought she should have occasion to desire me to attend at Colchester upon that business.

A. How many letters had you from Mrs. Clarke during the period between 1806 and 1808 ?

A. I am sure I do not know.

Q. All about this business of the Court-Martial.—A. No.

Q. What were the other letters about ?

A. I do not recollect ; nothing of any consequence, I believe. I do not think I heard from her for several months ; those letters that I allude to, I think, came from Hampstead, but the contents are so immaterial to me, that I do not call them to recollection.

Q. They were not letters of business ?

A. No, I think not ; I do not recollect the contents of them.

Q. When did you last see Mr. Donovan ?

A. I think I saw him last Friday or Saturday: I rather think Friday.

Q. Had you any conversation with him at that time about the Cadetship?—*A.* No I do not think I had.

Q. Are you positive that you had not?

A. I do not recollect that I had.

Q. Had you, or had you not, any conversation at that time with Mr. Donovan upon that subject?

A. I do not recollect that I had.

Q. You are not positive?

A. I think I am positive.

Q. You have stated, that it is customary in transactions of such a nature as those you have been speaking of, to deposit the money with the Banker of one of the parties; what do you mean by customary?

A. I did not speak of my own knowledge but I believe it is usual; I believe it is natural to deposit it with the Banker of one of the parties.

Q. Then you do not know that it is the custom?

A. No; but I rather take it for granted that it is customary to deposit the money with the Banker of one of the parties.

Q. Refresh your memory, and inform the Committee whether you can now recollect any negotiation of this sort besides the one of Mr. Ludowik's, the one of Mr. Williams', the one of Mr. Thompson's, the one of Mr. Lawson's, the one respecting the Clerkship in the War-office, and the one respecting the Cadetship?

A. No; I do not recollect any.

Q. What reason did Mrs. Clarke give you for wishing you to speak to her in two months respecting Mr. Russell Manners's affairs?

A. She did not give any reason for it.

Sir James Graham.—*Q.* You have said that you are a Solicitor by profession, you are paid for your trouble in transactions of business, are you not?

A. Yes, in professional business.

Q. How could you afford to transact so many intricate businesses quite gratuitously? *A.* I

A. I have done a great deal of business gratuitously in my profession.

Sir James Hall. Q. You have said, that in negotiating this business with Mr. Tyndale you had but little hopes of success given to you; did you represent the matters to the Gentlemen who applied to you in the same light, or did you magnify their chance of success?

A. I had no communication with those Gentlemen, but only with Mrs. Clarke; I communicated to her.

Mr. Ward. Q. Can you recollect any single circumstance, or any single expression of Mrs. Clarke's, that could serve as a foundation for your suspicion that she had any influence with the Duke of York as to granting places since 1806?

A. I only collected from her conversation that she still had an interest with the Duke of York, but she said nothing about a power to grant places, or any thing of that sort.

Q. Do you know of her offering to procure, or of her pretending to endeavour to procure any place by her own influence with the Duke, during that period, from the latter end of 1806?

A. I do not from the latter end of 1806 recollect her saying any thing to that purport.

Q. Would you have been anxious to oblige Mrs. Clarke, if she had not given you reason to suppose that she still possessed influence with the Commander in Chief?—*A.* No.

[A general cry of *withdraw! withdraw!*]

Q. At what period did Mrs. Clarke represent to you that the Duke of York was about to reinstate her upon a reduced establishment?

A. I think that was about the time of going down to the Court-Martial.

Mrs. MARY ANN CLARKE was called in, and
Examined by the Committee, as follows:

Lord Folkestone. Q. Have you any papers of Mr. Maltby's in your hand?

O o 3.

A. Yes.

A. Yes. I have.

[The Witness delivered in some papers.]

Both witnesses were ordered to withdraw.

Lord FOLKSTONE stated that his only object in putting the last question to Mrs. Clarke was to ascertain from the former witness the fact, whether the letters produced by her were his hand writing or not.

The CHANCELLOR of the EXCHEQUER had no objecting to the plan of proceeding, but he conceived that the first thing to be proved was, from whom the last witness had received the papers which she was about to produce.

Lord FOLKSTONE acquiesced, and Mrs. Clarke was accordingly ordered to the bar.

Q. State from whom you received those papers?

A. I received those from Mr. Maltby, and those two from Mr. Barber; there is Mr. Barber's name to one of them.

Q. Do those you received from Mr. Maltby purport to be Mr. Maltby's hand-writing?

A. Yes, his name is to two or three of them.

Q. Do they all purport to be his hand-writing?

A. Yes, they are all his hand-writing.

Q. Did you ever see Mr. Maltby write?

A. Yes, many times.

Q. Do you know that they are his hand-writing?

A. Yes.

Q. You are positive of that fact?—A. Yes.

Q. Have you ever seen Mr. Barber write?

A. Yes; this is only a sort of copy of how the money was to be lodged.

Q. Is that in Mr. Barber's hand-writing?

A. Yes; they are by the same hand, and his name is to one.

Q. Have you any other letters which you wish to deliver in?—A. Yes, I have.

Q. From whom are they?

A. Three

A. Three of them are from Colonel M'Mahon to me; I have lost the others, I fancy.

Q. Have you any other letters which you wish to deliver in. [The Witness was directed to withdraw.]

Mr. CROKER declared that the Committee had nothing to do with the letters of Colonel M'Mahon. There was nothing before them to shew that such documents referred to the immediate object of the investigation; and therefore he considered it an intrusion upon the very serious concerns of the country, to have the time of a Committee of the House of Commons taken up upon irrelevant subjects.

Colonel M'MAHON. When the witness on the last night was at the bar, she promised to produce letters of mine, which she said would exhibit me in my proper colours. At that time as at present the bearings of my own mind were, that to whatever topic these letters referred, however unconnected with the object which the Committee were investigating, or however unexplained the circumstances under which they were written, still it was my decided wish that they should be produced (*hear! hear!*). That opinion I now maintain, and therefore with every deference for the sentiments of the Honourable Gentleman*, must express my anxiety that the Committee should receive them; although unable to recollect at this moment their particular import, I am still satisfied that they cannot in any sense appertain to the object of the present inquiry.

Mr. CROKER rose up to make some additional observations, but from the continual cries of (*go on, go on*) he resumed his seat.

[The Witness was again called in:]

Lord, Folkestone.—**Q.** Have you any letters which you wish to produce?

* Mr. Croker.

A. To

A. To shew I did not tell a story about Dr. O'Meara, I have a letter of recommendation from the Archbishop of Tuam, not to me, but to the Doctor himself.

Q. Any thing more ?

A. General Clavering, I fancy, informed the Honourable Gentlemen here, that he never had any thing to say to me upon military affairs ; General Clavering being a distressed man, he was then a Colonel, I spoke to the Duke respecting him ; and had a great deal of difficulty, more so than as to any other man that I ever applied for in getting any sort of employment for him.

Q. Have you any papers relating to that matter ?

A. At last I prevailed upon the Duke to give him a district, and with it he made him a Brigadier General, entirely through my means. He afterwards asked me to get him a Regiment ; and, fearing they might be all given away before His Royal Highness came to town, I wrote to him when he was reviewing along the coast ; here is the letter which His Royal Highness wrote to me, in which he mentions General Clavering's name. There is another from the Duke, in which he acknowledges about Dr. O'Meara, that he would serve him as soon as he could ; it does not speak of the Archbishopric ; it merely acknowledges that he knows such a man. And the other is from Colonel Shaw, when in the Downs, just before he sailed for the Cape of Good Hope, complaining of being put upon half pay.

[The Witness was directed to withdraw.]

[The Witness was again called in.]

- Mr. Wardle. Q. Do you know that to be the writing of His Royal Highness the Duke of York ?

A. Yes, I do ; but if not, Mr. Adam can speak to it.

Q. Is that [another letter] the hand-writing of His Royal Highness ?—**A.** Yes.

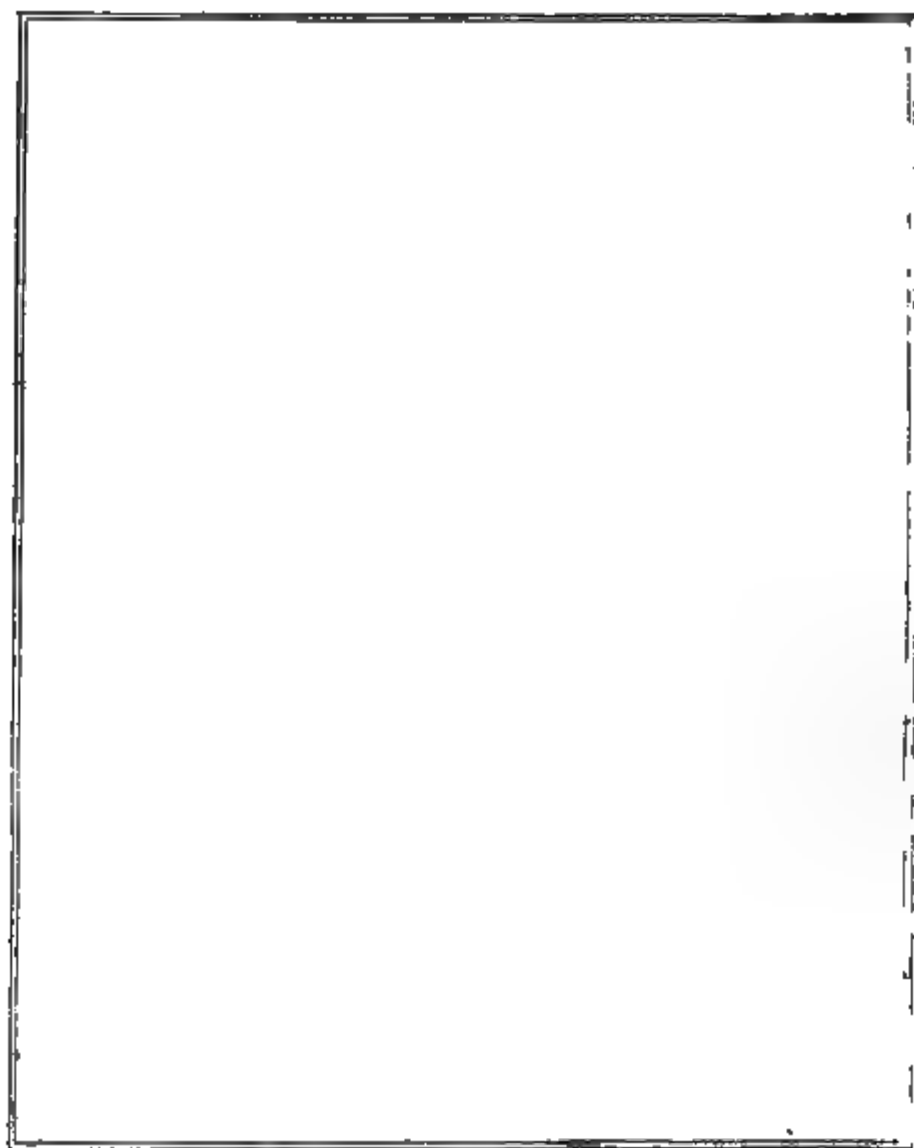
Q. Have you seen the Duke of York write ?

A. Yes, I have. This, addressed to George Farquhar, Esq. is his usual hand-writing ; whenever he addresses Mrs. Clarke the outside is always in a fictitious hand. This is addressed Mrs. Clarke, to be left at the Post Office at Worthing ; the inside of both letters in his usual hand.

Q. How

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Engraved by Spencer from a sketch by Richardson

Dr C. Hearn.

Published by J. Gougeon at Melbourne 221 March 31st 1869

Q. How did you come by the letter of the Archbishop of Tuam?

A. It was left amongst Dr. O'Meara's papers, among his documents; by accident, and I did not destroy it, because I thought it might be of some future service to him; when I gave him his papers, this was left by accident.

Lord Folkestone—Q. Do you recollect through what medium you received Colonel Shaw's letter, whether, by post, or a private hand?

A. I fancy it went to Coutts's the Banker's; I think he directed me to write to him always there under cover, and the Clerks would take care of them; but I am not quite certain, I think it was brought to me by a private hand.

Q. Do you know Colonel Shaw's hand so well, as to be able to speak to that being his hand-writing?

A. Yes, I do.

Q. You say that it is Colonel Shaw's writing?

A. Yes, it is.

Q. Did you ever see Dr. O'Meara?

A. Yes, very often indeed.

Q. Who is Dr. O'Meara?

A. He is an Irish Gentleman, a Clergyman, I do not know better how to describe him; he is very well known in Ireland.

Q. Where was this letter, purporting to be a letter from the Archbishop of Tuam to him, found?

A. Among my own papers; Dr. O'Meara has written me several letters for it, but I could not find it till about half a year ago.

Q. Did Dr. O'Meara send you that letter?

A. Yes, he did, he gave it to me with other documents.

Q. How long since?

A. It must have been very soon after it was written, I believe.

Q. What time was that?

A. I really do not like to date the letter.

Q. How many years ago?

A. It was while I lived in Gloucester-place.

Q. How long ago is it since you lived in Gloucester-place?

A. Since the year 1806.

Q. Did Dr. O'Meara, upon sending that letter to you, direct any use to be made of it?

A. Yes, to shew it to the Duke of York with the other papers.

Q. Was it about the time that the Duke of York went to Lord Chesterfield's christening that Dr. O'Meara gave it to you?

A. No, I believe it was some time previous to that.

Q. How long previous?

A. I cannot say.

Q. It was previous to that?

A. He gave me documents, but I am not sure that was among them; but I am certain that I received it from his own hands.

[The Witness was directed to withdraw.]

[The following Papers were read: Letter from Mr. Maltby, dated —July 28th.—Saturday evening.—Friday afternoon.—May 20th.—Wednesday afternoon, December 7th—Thursday, 5 in the afternoon.—A paper beginning "The Receipts to be taken," &c.—Receipts in pencil, beginning "Received of Mr. Blake," &c.—Letter from Mr. Barber.—Another form of Receipt.—Agreement, beginning, "I William Barber," &c.—A note from Colonel Mac Mahon to Mrs. Clarke, dated Monday morning.—A letter from the same, dated Wednesday morning; and from the same dated Tuesday morning.—Letter from His Royal Highness the Duke of York to Mrs. Clarke, dated August the 4th, 1805.—Letter from His Royal Highness the Duke of York to Mrs. Clarke, dated August 24th, 1804.]

" Friday Morning."

" DEAR MADAM,

" THE Regiment for Mr. Williams is going to India; this is
" lucky; therefore, let him immediately provide the needful,
" and I will arrange in *what* way it is to be deposited. Have
" you written to him, as no time to be lost.

" As to the second Battalion is the Gentleman here and pre-
" pared?

" Your's truly,

" R. M."

" Pray give me a Line in answer."

" DEAR MADAM,

" If you can by any means forward the adjustment of Mr.
" Alancet

" Manners' Account as to his claims respecting the 26th Regiment whilst in Egypt, of which the late General Manners was the Colonel,

" You will much oblige,
" Dear Madam, Your's truly,
" July 28th." " R. Maltby."

" I don't know your true address—I called in Holles-street a few days ago, and found you were gone."

" Saturday Evening."

" MY DEAR MADAM,
" I thank you very much for your kind attention—you would be quite a treasure in every way to any Secretary of State.
" I am as anxious as you can be, that there may be no disappointment in the Commissaryship; and I am goading the Parties every day.
" You say nothing of the P——ship 2d Battalion; is the party ready?
" When do you leave B——place?
" I am, Dear Madam, Your's truly,
" R. M."

" DEAR MADAM,
" If I have not the Letter of Recommendation immediately, and the Money ready, I fear it will be lost. I understand the Regiment is very Respectable, but I do not know the County yet.
" Remember the Paymastership.

" Your's truly,
" R. M."

" Friday Afternoon."

" May 20th."

" DEAR MADAM,
" Mr. M. is not, I believe, in this country, but far distant; so it will not answer to send your letter. Shall I enquire for the object you mention? What Rank, and what shall I propose for it?
" Do you know any one who wishes, on certain terms, a Paymastership in the E. Indies?
" I will enquire about the other matters.

" Your's truly,
" R. M."

" DEAR MADAM,
" I shall ascertain to-morrow every thing respecting the P——ship.
" Will

" Will any person you know like a place in the Bank, about
" one hundred pounds per an. I believe another P. ship of a
" first, and one of a second Battalion, may be had, and Militia
" Adjutancies,

" Dear Madam, Yours truly,
" Wednesday Afternoon
" December 7."

" Thursday, 5 Afternoon."

" DEAR MADAM,

" I have been in search of Mr. Barber, both in Bream's build-
" ings and the City, without success: I shall see him to-morrow
" at eleven, and I am satisfied I shall arrange with him, (I hope
" as he wishes.)

" In the mean time, as it is certain Mr. Williams may have
" what he wishes, I beg you will be so good as to send to Mr.
" Browne instantly to call on me, as it cannot be kept longer
" than a day open; and I think I can satisfy Mr. B. that there
" will be no disappointment. Pray send to him directly.

" Your's very truly,

" R. M."

" The Receipts to be taken in the short form, as it is likely
" Coutts and Co. will not like to sign such a Special Receipt as
" that written by M. B."

" 630l. to be deposited at Messrs.

" Coutts and Co. in names of
" L. and B.

" and 157l. 10. at Messrs. Birch and Co.

" in the names of

" ——— Blake and Wm.

" Barber—

" and to take a similar Receipt."

" It is absolutely necessary to make the deposit to-morrow,
" Friday (if not already done) as the Appointment otherwise will
" probably fail."

Addressed:

" Mrs. Clarke;

" 14, Tavistock-place, Russel-square."

" Forms of Receipt."

" Received September, 1805. of M. Blake, and
" the sum of Three Hundred and Sixty-seven Pounds Ten Shil-
" lings

" liogs, to be repaid by us to the Bearer of this Receipt, upon
" producing the same indorsed by the said M. Blake, and
" (Signed) Birch and Co."

" I do hereby agree to indorse a certain Receipt, dated
" September 1808, for Three Hundred and Sixty-seven pounds,
" Ten shillings, received of M. Blake and myself by Messrs.
" Birch, Chambers and Co, immediately on the Appointment
" of as a Clerk on the Establishment
" in the War-office.
" Witness my hand, this day of September, 1808."

" N.B. A similar Engagement to be signed as to 52l. 10."

" Received September 1808, of and
" R. Maltby, the sum of Fifty Two Pounds Ten Shillings, to be
" repaid by us to the Bearer of this Receipt, upon producing
" the same indorsed by the said and R. Maltby.
" (Signed) Birch and Co."

" DEAR MADAM,
" It is impossible for me to pay the Cash in this day, or even
" to-morrow, as it is in the Bank. Understanding from you
" that it would not be wanted for a fortnight, I hope the busi-
" ness will not be stopped for the want of this, for you may rest
" assured, honour is the order of the day in this transaction, and
" L. will come up directly and supply the Cash. I have made a
" little alteration in the blank Receipt and Agreement you sent
" me, but which I dare say will not be objected to by Lloyd and
" Co.

" Your's very obediently,
" Tuesday." " Wm. Barber."

" Received September 1808, of
" Lloyd. Esq. and William Barber, the sum of l. to
" be repaid by us to the bearer of this Receipt, upon producing
" the same indorsed by the said Lloyd and William
" Barber, or by the said William Barber only, in case such Re-
" ceipt, with the said joint Indorsement thereon, shall not be
" produced to us within two Months from the Date hereof.
" (Signed) Coutts and Co."

" Agreement.

" I William Barber do hereby agree to indorse a certain Re-
" ceipt, dated September 1808, for £.
" received of John Lloyd, Esq. and myself, by Messrs. Coutts
" and

* This and the two following Papers, are written in Pencil.
No. XIII. P p

" and Co. immediately on the appointment of J. K. Lodwick,
 " Esq. to the place of Assistant Commissary, appearing in the
 " London Gazette; provided such appointment takes place
 " within two months from the date hereof. And I the said J.
 " Lloyd, do hereby agree, that in case the above-mentioned
 " Appointment shall not appear in the London Gazette within
 " the time above-mentioned, then that I the said J. Lloyd will in-
 " dorse over such Receipt to the said William Barber, to enable
 " him to receive such above-mentioned sum from Messrs.
 " Coutts and Co. so deposited in their hands,

" Lloyd."

" B."

SIR GEORGE HILL trusted the House would pardon
 the anxiety he felt of explaining the advice which he
 had given to Mr. Maltby, relative to the conduct which
 at that bar he ought to pursue. He knew Mr. Maltby
 from having often met him at the Fishmonger's Com-
 pany, of whose hospitality he had, as their tenant, fre-
 quently participated. His advice to Mr. Maltby was,
 not to hold intercourse with the Honourable Gentle-
 man who had introduced these charges, but to obey the
 summons of the Committee, and fairly state all he
 knew upon this subject.

The following letters of Colonel M'Mahon, as deli-
 vered in by Mrs. Clarke were then read.

" Monday Morning."

" Colonel M'Mahon presents his best compliments to Mrs.
 " Clarke, and had only yesterday the pleasure to receive her
 " note of Thursday last, for although he has returned to town
 " for the season as his head-quarters, he makes two or three
 " days excursions from it as often as he can, and it was during
 " one of those that Mrs. Clarke's note arrived, otherwise it
 " should not have so long remained unanswered. Colonel
 " M'Mahon will take the first forenoon he possibly can to wait
 " on Mrs. Clarke in the course of this week."

Addressed:

" Mrs. Clarke,

" 14, Bedford-place; Bloomsbury."

" Wednesday Morning."

" (Private.)"

" I should be most happy to bring about your wishes, and ren-
 " der

" der you any service with the Duke of York, but I have not
 " been able to see him since I had the pleasure of seeing you,
 " and I understand he goes to Windsor to-day, and stays till
 " Friday, when I will try all in my power to seek an audience
 " on your business, but am obliged to go out of town myself un-
 " til that day. A thousand thanks for the loan of your seat,
 " from which I have had an impression taken, in remembrance
 " of your sprightly device.

Ever yours,

" Mrs. Farquhar,

" J. M."

" 14, Bedford-place, Russell-square."

" Nothing, Mrs. Clarke may be assured, but indisposition,
 " and wanting in the pleasure of having any thing successful to
 " report, could have so long prevented my calling on or sending
 " to her.

" In whatever communication may have been made to Mrs.
 " Clarke's lawyer, I am indignant that such terms as, " either
 " deceiving or laughing at you," should form a part of it, hav-
 " ing reference to me ; for while I lament my total inability to
 " serve Mrs. Clarke, I am ready to confess that in the few in-
 " terviews I had the honour to hold with her, her conduct and
 " conversation demanded nothing but my respect, and the good
 " wishes I bear her.

" J. M."

" Tuesday Morning."

DUKE OF YORK'S LETTERS.

" August 4, 1805."

" How can I sufficiently express to My Sweetest, My Darling
 " Love, the delight which her dear, her pretty letter gave me,
 " or how much I feel all the kind things she says to me in it ?
 " Millions and millions of thanks for it, My Angel ? and Be as-
 " sured that my heart is fully sensible of your affection, and
 " that upon it alone its whole happiness depends.

" I am, however, quite hurt that My Love did not go to the
 " Lewes Races ; how kind of her to think of me upon the occa-
 " sion ; but I trust that she knows me too well not to be con-
 " vinced that I cannot bear the idea of adding to those sacri-
 " fices which I am but too sensible that she has made to me.

" News, My Angel cannot expect from me from hence ;
 " though the life led here, at least in the family I am in, is very
 " hurrying, there is a sameness in it which affords little subject
 " for a letter ; except Lord Chesterfield's family, there is not a
 " single person, except ourselves, that I know. Last night we
 " were at the play, which went off better than the first night.

" Dr. O'Meara, called on me yesterday morning, and deli-

" vered me your letter; he wishes much to preach before Roy-
 " alty, and if I can put him in the way of it I will.

" What a time it appears to me already, My Darling, since
 " we parted; how impatiently I look forward to next Wednesday
 " se'nnight!

" God bless you, my own Dear, Dear Love! I shall miss the
 " Post if I add more; Oh believe me ever, to my last hour,
 " Your's and Your's alone."

Addressed:

" Mrs. Clarke,

" to be left at the Post-office, Worthing."

Indorsed: " Dr. O'Meara."

" Standgate, August 24, 1804."

" How can I sufficiently express to My Darling Love my
 " thanks for her dear, dear letter, or the delight which the as-
 " surances of her love give me? Oh, my Angel! do me justice
 " and be convinced that there never was a Woman adored as
 " you are. Every day, every hour convinces me more and
 " more, that my whole happiness depends upon you alone.
 " What a time it appears to be since we parted, and with what
 " impatience do I look forward to the day after to-morrow; there
 " are still however two whole Nights before I shall clasp My
 " darling in my arms!

" How happy am I to learn that you are better; I still how-
 " ever will not give up my hopes of the cause of your feeling un-
 " comfortable. Clavering is mistaken, My Angel, in thinking
 " that any new regiments are to be raised; it is not intended,
 " only second Battalions to the existing Corps; you had better,
 " therefore, tell him so, and that you were sure that there would
 " be no use in applying for him.

" Ten thousand thanks; My Love, for the handkerchiefs,
 " which are delightful; and I need not, I trust, assure you of
 " the pleasure I feel in wearing them, and thinking of the dear
 " hands who made them for me.

" Nothing could be more satisfactory than the tour I have
 " made, and the state in which I have found every thing. The
 " whole of the day before yesterday was employed in visiting
 " the Works at Dover; reviewing the Troops there, and examin-
 " ing the Coast as far as this place. From Folkstone I had a
 " very good view of those of the French camp.

" Yesterday I first reviewed the Camp here, and afterwards the
 " 14th Light Dragoons, who are certainly in very fine order;
 " and from thence proceeded to Brabourne Lees, to see four re-
 " giments of Militia; which, altogether, took me up near thir-
 " teen hours. I am now setting off immediately to ride along
 " the coast to Hastings, reviewing the different Corps as I pass,
 " which

" which will take me at least as long. Adieu, therefore, My Sweet-
 " est, Dearest Love, till the day after to-morrow, and be assur-
 " ed that to my last hour I shall ever remain Yours and Yours
 " alone.

Addressed
 " George Farquhar, Esq.
 No. 18, Gloucester-place, Portman-square."
Indorsed: " General Clavering, &c."

Postmark.
 FOLKSTONE.
 79.

Mr. TIMOTHY DOCKERY was called in, and
 examined by the Committee as follows :

Q. Do you know any thing of the transaction relative to
 the purchase of a service of plate sent to Gloucester-place?

A. Yes.

Q. Relate what you know of that purchase ; in the first
 place, what commenced it, and how it proceeded till the
 bargain was made conclusively.

A. Not being a partner in the house at the time the pur-
 chase was made, I know nothing at all of the circumstance.

Q. State in what character you were in the house at the
 time the purchase was made.

A. As a servant.

Q. What was your employment in the house ?

A. A journeyman.

Q. What was the particular business you transacted in
 that house ?

A. The superintendence partly of it.

Q. Do you recollect any particulars respecting the bar-
 gain about the Plate, to your own knowledge ?

A. Nothing further than what was mentioned by Mr. Birkett.

Q. Do you mean to state, that neither the Duke of York
 nor Mrs. Clarke did in your presence examine and treat
 about that Plate ?—**A.** Certainly not.

Q. State what you heard the Duke of York and Mrs.
 Clarke say, when they were bargaining for that Plate.

A. The bargain concerning that Plate was not made in
 my presence.

Q. Then you do mean to state, that you never did hear
 any bargain about it.—**A.** Certainly.

{ The Witness was directed to withdraw..

The ATTORNEY-GENERAL observed upon the dangerous tendency of letting in such hearsay evidence of what has been said by a man now dead.

Lord TEMPLE considered, that as Mr. Birkett was dead, the declaration of the witness was the best evidence the House could have of the statement of Mr. Birkett.

Mr. FULLER exclaimed against it as an extraordinary idea.

Mr. LEYCESTER said that it was impossible to admit such evidence.

Mr. WARDLE, in consequence of what had been stated by the Learned Gentlemen opposite in the face of the House and of the public, on the subject of evidence, could not think it proper for him to press the question against their authority; and should therefore endeavour to come at the fact through the medium of such other channels as were within his reach.

Mr. WHITBREAD contended, that testimony quite as loose as that objected to had been already placed on the minutes. The House of Commons was not bound by the rules of evidence observed in inferior courts. The inquisitorial power of Parliament authorised a departure from the strict rules of evidence, in order to come at the knowledge of transactions which could not otherwise be sifted. If this inquisitorial power was to be given up it was high time for the House to resign all its other powers.

Mr. LEYCESTER had not said that the House was bound by the rules of evidence observed in the courts below. It was not easy to draw the line between the evidence that should, and the evidence that ought not to be admitted at the Bar of that House; but he had no doubt that the evidence proposed by the Hon. Gentleman was not admissible.

Mr. FULLER thought that any departure from the rules of the Courts of Justice, which were regulated by the wisest maxims and principles, would be merely a party

party practice. Where these rules were attended to, justice would be done ; but where they should be departed from, nothing but party influence, and prejudice, and misconduct would be the consequence.

The question was relinquished, after a few words from Sir THOMAS TURTON.

[The Witness was again called in.]

Mr. Wardle. Q. You have stated, that you were the acting man in the house of Birkett ?

A. Not during the time that the purchase of Plate was made by Mrs. Clarke.

Q. What situation did you hold in the house ?

A. That of journeyman.

Q. Is it within your own knowledge that the Plate was purchased from Messrs. Birkett ?—A. Certainly.

Q. Do you know the price that was agreed to be given for that Plate ?

A. The books which have already been produced will shew that.

Q. Do you of your own knowledge know the price that was to be paid for that plate ? A. By referring to the books.

Q. Do you of your own knowledge know the price that was to be paid for that Plate, without referring to the books ?—A. Certainly not.

Q. Then you do not of your own knowledge know the sum that was to have been paid for that Plate ?

A. By referring to the book I shall be able to judge.

Q. Then you do not of your own knowledge know the sum that was to have been paid for that Plate ?

A. I do not immediately recollect the specific sum that was paid for it, but if I may be allowed to look at the books I will state it.

Q. Do you know to whom that specific service of Plate belonged, before it was sent to Gloucester-place ? A. Yes.

Q. To whom did it belong ? A. The Duke de Berri.

Q. Do you of your own knowledge know that any part
of

of that Plate was sent up to Gloucester-place, for the inspection of the Duke of York and Mrs. Clarke?

A. Not to my recollection.

Q. Do you recollect either the Duke of York or Mrs. Clarke being at Messrs. Birketta, and examining the Plate in their shop?—A. No.

Q. Do you recollect any thing with regard to the payment for that Plate?—A. Yes.

Q. State what you do recollect with regard to the payment for it.

A. Five hundred pounds were paid at the time the Plate was delivered, and the remainder was settled by bills at different dates.

Q. State by whom the five hundred pounds were paid in the first instance?

A. The five hundred pounds were not paid to myself, but it was paid, I believe, to Mr. Birkett, as well as I can recollect.

Q. Do you know by whom it was paid?—A. I do not.

Q. Do you know how it was paid, whether in cash, in Bank notes, or how?

A. In two notes, one of three, and the other of two hundred pounds.

Q. Do you recollect by whom those Bills were drawn, by which the remainder was paid?

A. To the best of my recollection, they were drawn by Mrs. Clarke.

Q. Upon whom were they drawn?

A. The Duke of York.

Q. Do you of your own knowledge know that those Bills were afterwards paid by the Duke of York?

A. Certainly I do.

Q. Did you yourself offer those Bills to the Duke of York for payment?—A. I did.

A. Did you see the Duke of York at the time you offered them?—A. Yes.

Q. Do you recollect what conversation passed between the Duke of York and yourself at the time you offered those Bills for payment?—A. No I do not.

Q. Do you recollect the Duke of York ever speaking to you at all respecting the service of plate?—A. No

A. No I do not.

Q. How did the Duke of York settle those Bills ?

A. By his own drafts upon Coutts.

Q. Do you mean to state, that the whole amount due for the service of plate, over and above the five hundred pounds which you state to have been before paid at the time, was then paid by the Duke of York upon those Bills ?—*A.* Certainly.

Q. Is there any body residing at Mr. Birkett's that was in the situation you now hold, at the time the bargain was made for the plate ? *A.*—No.

Q. Do you know where the person is who held the situation which you now hold, and who was he ?

A. The person who held that situation is dead.

Q. What was his name ?

A. Thomas Walker.

[Mr. Parker produced Mr. Birkett's book ; and the Account given in on the 9th instant was shewn to the Witness.]

Mr. Wardle.—(To Mr. Dockery.) *Q.* Refer to that Account, and state whether it is the account to which you have alluded ?—*A.* Certainly.

Q. Are those the notes, to the best of your knowledge, for which you received payment from His Royal Highness the Duke of York ?

A. The notes that are entered here were the notes received of His Royal Highness the Duke of York.

Q. On account of that plate ?—*A.* Yes.

Q. State the amount of the whole.

A. One thousand eight hundred and twenty-one pounds eleven shillings and four pence, that includes the five hundred pounds.

Attorney General. *Q.* Is this account headed ? *A.* It is.

Q. How ? *A.* Mrs. Clarke, debtor.

[The Witness was directed to withdraw.]

Mr. Wardle having finished this case, immediately proceeded to that of Colonel Shawe.

Mrs. ALICE HOVENDEN was called in, and
Examined by the Committee, as follows: Mr. Wardle.

Mr. Wardle. Q Do you know Mrs. Clarke?—A. Yes.

Q. Do you know Colonel Shaw?

A. I never saw him but once.

Q. State what passed at that interview.

A. I had been some time negotiating with Mrs. Clarke for an exchange for Major Shaw, and he begged to know the principal; I said it was Mrs. Clarke, and I particularly requested that he would not mention to Mrs. Clarke that Mr. Donovan knew any thing of the matter.

Q. Relate what passed at that only interview you had with Colonel Shaw.

A. That was all that passed, except giving him a card or a note, I forget which, to Mrs. Clarke, merely saying that was Major Shaw.

Q. What was your reason for wishing Mr. Donovan's name to be kept a secret?

A. Mrs. Clarke said she was afraid that Mr. Donovan would mention to the Duke of York any thing of the business, which would be her ruin.

Q. When was it that Mrs. Clarke expressed that fear to you respecting your telling Major Shaw of Mr. Donovan?

A. The first day I ever saw her.

Q. This was before you mentioned Colonel Shaw to Mrs. Clarke?—A. Yes.

Q. Did you ever mention Colonel Shaw to Mrs. Clarke till after the interview you had with Colonel Shaw?

A. I saw Colonel Shaw but once, and never saw Mrs. Clarke but twice since.

Q. Did you ever mention Colonel Shaw to Mrs. Clarke till after the interview you had with Colonel Shaw?

A. I had mentioned Colonel Shaw to Mrs. Clarke a long time before I saw Colonel Shaw, nearly three months.

Q. In what way had you mentioned Colonel Shaw to Mrs. Clarke?

A. As a gentleman who wanted a Lieutenant Colonelcy from his Majority; he was a Major, and he wanted to get a Lieutenant Colonelcy.

Q. How did you know that Colonel Shaw wanted to get a Lieutenant Colonelcy?

A. After I had seen Mrs. Clarke, I mentioned to Mr. Donovan,



Exposed by Hesperus, then a clock by Revolution.

W. C. Herndon.

There is a great deal of work to be done.

Donovan, a gentleman I had known for many years, that I had got some very great interest, and that if he knew any person that wanted any thing in the army line, I thought I could get it; I refused to tell him where it was, or from whom.

Q. Was it Mr. Donovan who mentioned Colonel Shaw to you?—A. Yes.

Q. What did Mr. Donovan state to you of Colonel Shaw, when he mentioned him to you?

A. He said that he had very great recommendations, and had, I think it was, General Burrard's interest.

Q. What further did Mr. Donovan say of Colonel Shaw to you?

A. He said he would give seven hundred pounds, I think it was seven hundred pounds for a Lieutenant Colonelcy.

Q. Did Mr. Donovan tell you any thing further respecting Colonel Shaw?

A. Not at that time.

Q. Where did this conversation pass you have now alluded to?

A. I think it was in Charles-street.

Q. In consequence of this, did you apply to Mrs. Clarke to get Major Shaw a Lieutenant Colonelcy?—A. Yes.

Q. Were you to have had any part of that sum of money which you have mentioned, provided the Lieutenant Colonelcy was obtained?—A. No.

Q. What was done in consequence of your application to Mrs. Clarke?

A. Nothing at all.

Q. Did the business break off, or did it die away?

A. On the night of the day on which I sent the note to Mrs. Clarke, I received a note from her, inclosing me Major Shaw's security for the sum, saying she was sorry she could do nothing for Major Shaw: previous to this Mrs. Clarke sent for me to describe the person of Major Shaw, his connexions, and his interest, without which, she said, she could not mention the affair to His Royal Highness: I could not then describe his person; I said his interest was General Burrard's, and he had lately met with some very great family misfortune; I believe his brother drowned,

drowned, or something of that kind. Mrs. Clarke answered, that will do, I shall tell His Royal Highness, that I do it in compliance with the request of a very old friend, and in compassion for his present calamity; let him get two months leave of absence through some General Officer, during which period I shall try and work upon the feelings of His Royal Highness, to accomplish my purpose, without his suspecting the cause.

Q. It was after this you sought an interview with Colonel Shaw?—A. Yes.

Q. For what purpose did you seek that interview?

A. It was Colonel Shaw sought it.

Q. Did you then relate to Colonel Shaw what had passed between you and Mrs. Clarke?

A. I do not think I did.

Q. Was the matter broken off by any particular circumstance, or did it die away?

A. I know no circumstance, except a note which Mrs. Clarke sent me.

Q. Do you recollect your ever speaking of Colonel Shaw as having broken his word with you?

A. He certainly broke his word with regard to telling Mrs. Clarke Mr. Donovan knew the circumstance.

Q. Did you ever complain of his having broken his word, in not having made you a present?

A. Never, because he did.

Q. What present did Colonel Shaw make you?

A. When I returned Colonel Shaw his papers and the security, he sent his compliments, and was sorry for the trouble he had given me, and inclosed me ten pounds.

Q. Do you know any thing of a second application of Colonel Shaw's to Mrs. Clarke?

A. I certainly do not.

Q. Do you recollect the date of the transaction which you have been speaking of?

A. The first time I ever saw Mrs. Clarke was in December 1804.

Q. Had you ever more than one conversation with Mr. Donovan upon this subject?

A. I cannot recollect, I have been in the habit of visiting

ing Mr. Donovan and seeing him frequently, and what conversation has passed I am sure I cannot say.

Q. State the date of the transaction you are speaking of.

A. It was, I think, from December 1804 to April 1805, as near as I can guess.

Q. Do you of your own knowledge know any thing further of Colonel Shaw and Mr. Donovan, in that transaction?—*A.* I do not.

Q. Were you in the habit of corresponding with Colonel Shaw?

A. I think I must have written letters to him frequently; it was a long period, and he was very uneasy, he was kept in great suspense.

Q. State whether you have any of Colonel Shaw's letters?

A. I returned the whole of Colonel Shaw's letters.

Q. To whom?

A. To the best of my knowledge, through Mr. Donovan.

Q. At what period did you return those letters?

A. I believe it was two or three days after he had seen Mrs. Clarke.

Q. How came you to return those letters to Mr. Donovan?

A. He said that Major Shaw wished to have done entirely with the business, as he was convinced Mrs. Clarke could do nothing.

Q. Then you do not know any thing further respecting the transaction which took place afterwards between Mrs. Clarke and Colonel Shaw?

A. I do not.

Mr. D. Browne. *Q.* Do you know personally or by repute, a Miss Taylor, who appeared as an evidence at the Bar of this House?

A. I have seen Miss Taylor, she came to my house one day with her brother, Captain Taylor.

Q. What do you know of the character or repute of Miss Taylor?

A. It is very hard to speak from hearsay; of my own knowledge I know nothing.

Q. From what passed in the transaction between yourself and Mrs. Clarke, do you believe that there could have been any subsequent negociation between Mrs. Clarke and Colonel Shaw?

A. I do not think Mrs. Clarke ever heard of Major Shaw afterwards.

[The witness was directed to withdraw.]

A short conversation arose on the propriety of questioning Mrs. Hovenden with respect to the character of Miss Taylor.

[The Witness was again called in.]

Q. Did you ever tell any person, and if so, when, that Miss Taylor was a person of bad-repute?

A. I certainly did say that I did not return Miss Taylor's visit, as I had heard something unpleasant.

Q. What was the unpleasant circumstance that you had heard of Miss Taylor, that prevented your returning that visit?

A. It was hearsay; and I should suppose I am not obliged to tell what I have heard, I know nothing myself.

[The Witness was directed to withdraw.]

Mr. BARHAM represented it as absurd to ask a person who visited Mrs. Clarke why she did not visit Miss Taylor.

Mr. FULLER desired that the Witness might be called back, and insisted upon asking her one question. It should be, whether she would choose to put a female child of her's under the care of Miss Taylor?

Mr. BRAGGE BATHURST was sure the House would not allow such a question to be put.

[The witness was again called to the Bar.]

General Loftus.—**Q.** Would the witness from her own knowledge of Miss Taylor believe her evidence?

[The witness was ordered to withdraw.]
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The CHANCELLOR of the EXCHEQUER imagined the question justifiable, and that the character of Miss Taylor, might with perfect propriety be spoken of by the witness as to general reputation. In Courts of Justice it was allowable to ask a witness on oath, whether he would believe the testimony of any other particular individual.

Mr. WHITBREAD confessed that he would rather put a question to Miss Taylor, respecting Mrs. Hovenden's character, than put a question to Mrs. Hovenden respecting Miss Taylor's character. For his part he was not aware that any thing had appeared to impeach the character of Miss Taylor. She had given her description of a person which, if untrue, might be disproved, but it had not yet been disproved. The only thing that seemed reprehensible in her conduct was her visiting Mrs. Clarke, &c.

The ATTORNEY-GENERAL in speaking to order, considered the subject under discussion was not Miss Taylor's character, but whether or not the question proposed by an Hon. Gentleman should be put.

Mr. FULLER was for examining another witness.

Sir S. ROMILLY declared, that when such a question as that proposed by the Hon. General was put in a Court of Justice, it was preceded by an inquiry how long the witness had known the party, and what were the means which the witness possessed of appreciating the character of the party.

The ATTORNEY GENERAL observed, that the question put to Mrs. Hovenden had nothing to do with the length of time that that lady had known Miss Taylor, but related merely to what she knew of that lady's general character.

Sir SAMUEL ROMILLY replied, that the Committee ought to enquire into the opportunities which the witness had possessed of duly estimating Miss Taylor's character. He could assure the House that he never knew such a question put in a court of justice, without

a previous enquiry into the means of knowledge which the witness possessed. He was convinced the Committee would see the importance of this point.

The CHANCELLOR of the EXCHEQUER was of opinion, that the question proposed by the Hon. General was legalised by the assertion of the witness that she knew Miss Taylor to a certain degree. To enquire particularly into the means by which she obtained her knowledge was not antecedently required in point of law.

Mr. C. WYNNE did not think that the question was likely to produce the least information.

[The Witness was again called in, and the question proposed.]

A. I declare I do not see how I can answer such a question as that, it is merely matter of opinion, I cannot answer it.

Q. Where do you live?

A. In Villiers-street, No. 29.

Q. How long have you lived there?

A. I believe not quite three months.

Q. Where have you generally lived?

A. Where I lived before, that was in South Molton-street.

Sir James Graham. Q. How long have you lived in South Molton-street.

A. Upon my word I cannot recollect.

Q. Cannot you recollect how long you lived in a street?

A. I went to it at two different periods.

Q. How long have you generally lived in any one street?

A. I had a house in Panton-square.

Q. How long?

A. Two years and a half.

Q. When did you leave it?

A. In 1805, I believe in June.

Q. Did you live there when you visited Mrs. Clarke?

A. I never visited Mrs. Clarke.

Q. Did she visit you when you lived there?—A. No.

Q. Where

Q. Where, then, did you see Mrs. Clarke ?

A. I went to Mrs. Clarke on business.

Q. Have you before stated all the business that you went to her upon ?—**A.** No.

Q. Then state what other business:

A. Pardon me; what other business I had with Mrs. Clarke was for commissions for other gentlemen, whose names have not been mentioned, for whom she never did any thing. [The Witness was directed to withdraw.

Mr. BRAND objected to the question. It seemed to him unnecessary to state the names of persons against whom no charge existed, as was evident from the witness having herself said that they had not yet been mentioned. He thought it extremely unfair to put such a question to a person of whose veracity the Committee could not but have increasing doubt. Her loose statements might be of serious detriment to many respectable persons, and if the Hon. Baronet persisted in his question, he should feel it his duty to take the sense of the Committee upon it.

Sir J. GRAHAM declared that he had no other view in proposing the question, but that which related to the general course of the proceeding.

Lord FOLKSTONE expressed his astonishment at the objection. The Committee was instituted for the express purpose of inquiring into abuses, and many great abuses had already been discovered. Here was a question which promised to lead to the development of further and more flagrant abuses, and now the Hon. Gentleman objected to its being put. Whoever referred to the instructions that the Committee had received from the House, must be convinced that the question was a good one and ought to be proposed.

Mr. BRAND observed, that the witness had distinctly stated that no proceeding had taken place; as therefore no injury to the public had resulted, to inquire into the subject would be attended only with inconvenience.

Q 3.

Mr.

Mr. FULLER could not see why those persons who were involved in this transaction should not be dragged forth to public view, as well as the Duke of York. For his part, he would go on and trace the business from the fishmonger to the fellmonger. It would not be fair for the Committee to make one individual smart, while others, perhaps much more culpable, were allowed to go free.

Mr. WHITEHEAD said, that it was impossible for the Committee not to proceed. As to the assertion against his Honourable Friend, that as to the applications against the persons alluded to had not terminated successfully, any enquiry into the subject was unnecessary, it appeared to him to be a most unfounded assertion. The practice of the Committee was in opposition to it. Mr. Malby had that evening been two hours examined, and that altogether on transactions the event of which had not been successful. Mr. Donovan also, who had been so repeatedly at the bar, had expressly declared, that not one of the transactions in which he had been engaged had terminated successfully.

Mr. Secretary CANNING, although he felt with the Hon. Gentleman opposite, that the result of the question might be some disclosures very painful to individuals, without being of much service to the public, yet confessed that he could not see how the Committee, with any propriety, could decline proceeding.

The Witness was again called in.

Q. Did you ever send the names of those other Gentlemen to Mrs. Clarke, or communicate them?

A. I never sent them to her, I took them to her.

Q. You delivered them into her own hands?—A. Yes.

Q. Then state the names of all those Gentlemen; how many were there?

A. I do not really recollect that.

Q. State their names.

A. I said before, I could not do that.

Q. Endeavour to recollect, and state their names.

A. It

A. It is not for want of memory, or want of respect to the House, but I cannot name them.

On the motion of General STEWART, the witness was ordered to withdraw.

The General deprecated a further perseverance in the question, considering that many respectable officers in the army, and particularly in the militia, had formerly dealt with people who were, or professed to be commission agents. By the answer to the question proposed by the Hon. Baronet individuals might sustain a serious and unmerited evil, for which they could have no adequate redress.

Mr. WHITBREAD on the contrary thought, that if the names of the persons alluded to by the witness had been actually conveyed to Mrs. Clarke, the question undoubtedly might be answered, but not else. As to the opinion expressed by the gallant General, that any individual who should sustain unmerited injury would be precluded from the opportunity of obtaining redress, he could not admit the justice of it. The Committee had already seen a general officer at the Bar exculpating himself from an imputation that had been cast upon him.

Sir A. WELLESLEY strongly recommended that the question should not be persevered in, as several regulations had within a few years been introduced in the army, for the purpose of preventing Officers from dealing with Commission Brokers. If the last question was answered, it might implicate the characters of many very respectable individuals, who, after all, as it appeared, had not succeeded in obtaining their object. The Committee was to inquire into the conduct, not of Mrs. Clarke, but of his Royal Highness the Duke of York, and therefore unless it could be shewn that the applications reached the Duke of York, the Committee had nothing to do with them.

Lord H. PETTY could not imagine that the character

ter of any respectable individuals could be injured by the answer to the question proposed, unless, indeed, that answer laid the foundation of more satisfactory proof of culpability. In that case, he should be far from lamenting the event; for, as the regulation to which the Hon. Baronet alluded, was well known in the army, it certainly ought not to be infringed with impunity.

Mr. CANNING proposed, that when the witness was called in, the first question put to her should be, Whether or not the names were mentioned to Mrs. Clarke? and that if they had, she should be required to state them to the Committee.

[The Witness was again called in.]

[The Chairman informed the witness that it was the sense of the Committee, after discussion, that she should enumerate the names of the Persons to whom she had referred.]

A. I cannot mention their names.

Q. You have stated that it is not from want of memory, therefore endeavour to recollect as many of the names as you can.

A. It is because I think it would be a very dishonourable act in me to discover the names of Gentlemen who have never been brought forward, and never profited by any one act I did.

[The Chairman stated to the Witness, that the House was armed with power to compel her to answer, and to inflict a very severe censure upon her if she did not answer the questions, which it was the opinion of the House should be answered.]—

Chancellor of the Exchequer. Q. Had you authority from those persons, to whom you referred, to give their names to Mrs. Clarke.

A. I cannot recollect that, I declare.

Q. Did you ever carry the names of any persons to Mrs. Clarke, without their authority?

A. I do not know whether I did not, I am sure.

Q. State

Q. State positively whether you did or did not?

A. Indeed, my memory does not help me out.

Q. State the names. A. I cannot.

[The Witness was directed to withdraw.]

Mr. CANNING observed, that the persons in question might have applied generally to the witness to procure promotion for them, without authorising her to refer to Mrs. Clarke. Now as the inquiry solely related to the Duke of York, he submitted to the House the expediency of framing the question in such a manner, that it should not be productive of any irrelevant matter. Probably many of those persons had applied to the witness as a Commission Broker, without being at all aware of her connection with Mrs. Clarke.

Sir G. WARRANDER called to the recollection of the House, a former examination of Mrs. Clarke, in which it appeared that a long list of persons desirous of promotion by her means, had been carried to her by Mr. Donovan. The names of the persons alluded to by the witness who had just withdrawn, might perhaps have composed this identical list; and he conceived that it was of the utmost importance to get at the fact.

Mr. WHITBREAD denied that an inquiry into the conduct of the Duke of York was inseparable from an inquiry into the conduct of Mrs. Clarke; or that when that lady was not immediately concerned, investigation should be checked. In his opinion every improper channel that offered itself to the observation of the House, should be strictly inquired into.

Sir. J. GRAHAM supported the necessity of the question.

The CHANCELLOR of the EXCHEQUER allowed that, if it were proved that the names went to the Duke of York, and that he acted upon them, there could not be a moment's hesitation on the subject; but the fact fell short

short of that. It was on this ground alone that the question could be considered at all as objectionable, and not from the consideration that the persons might not have authorised the witness to give their names to Mrs. Clarke.

Mr. YORKE was distinctly of opinion that the names ought not to be proclaimed until it could be ascertained that the witness had express authority for communicating them to Mrs. Clarke.

Mr. HUSKISSON, adverting to the offices that had at that period been open for the purchase and sale of Commissions, intimated that the witness might have been connected with one of those offices; in which case the question ought certainly not to be put, as the names of many of the most respectable officers in the army might be wantonly trifled with by such a proceeding.

Sir JAMES GRAHAM thought it would be unbecoming the dignity of the House not to persist in the question.

General STEWART then again deprecated the consequences of putting the question.

Mr. BARHAM observed, that if the question were put one of two things must happen; the witness must tell either truth or untruth—if truth, no one could lament that a criminal transaction should be brought to light;—if untruth, the person accused might exculpate himself at the bar.

Mr. BARING proposed in the first place to ask the witness, what answer Mrs. Clarke had given her when she delivered in the names?

Mr. M. MATHEW declared, that if the question were put, every Officer in the army would be wantonly exposed to censure. The most respectable men would be stigmatised for no good purpose whatever.

General PHIPPS also thought it a most impressive question, and thought it ought to be rejected.

Mr. M. MATHEW then moved “That the question be withdrawn.”

Mr.

Mr. H. ADDINGTON could not give a silent vote on the subject. It was impossible for him to accede to the propriety of the question. Specific charges had been brought against the Duke of York, and to those charges the Committee ought to confine themselves. In the course of the examination of the last witness, it had come out collaterally that she had been employed by other persons to apply to Mrs. Clarke. Was that a reason for investigating the circumstance? If such a latitude of enquiry as this were allowed, the examination might employ a whole session, and every other important business must be neglected.

Mr. WILBERFORCE sympathised with the feelings of those who might be exposed by this occurrence; but he could not consent to consult their tranquillity at the expence of the general character of the army. Ought it to go forth to the public that when a woman, such as the witness, was examined at the bar of the House of Commons, the House, apprehensive that her charges might be fatally extensive, did not dare to proceed in the investigation of them.

The CHANCELLOR of the EXCHEQUER urged another consideration which influenced him to allow this question to be put. If the witness should produce the long list spoken of by Mrs. Clarke, and if it should turn out that not one person on that list had been successful in his application, what must be the natural inference? When out of fifty-two applications only two were successful, it was pretty evident that their success was that of accident, and not of preconceived design. On this account, he thought that it would be but doing justice to the Duke of York to put this question.

Mr. DUNDAS also spoke in favour of the question.

Mr. BATHURST wished the question might be put, if it would lead to any elucidation of the subject, which he believed it would do.

After a few words from Mr. HUSKISSON, Mr. M. MATHEW withdrew his motion.

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The witnesses was recalled to the bar, and addressed by the Chairman as follows:

[That it was the opinion of the Committee that she must answer the question put to her, and that the House had power to inflict very heavy punishments, and never more severely exerted that power, than in the case of Witnesses who conducted themselves in the contumelious manner she had done.]

Sir James Graham. Q. State the names of the persons you carried to Mrs. Clarke.

A. I did not mean it the smallest contempt to the House, quite the reverse; and to convince you that I feel a respect for this House, and not from fear, I will state the names: one is Johnson, and another is Williamson.

Q. Are there any other names?

A. I do not recollect.

Q. Endeavour to recollect.—A. I cannot.

Q. You said there were several names, or a long list of names?

A. I do not think I said that, I said there were some.

Q. Did you never deliver the names of any other Gentlemen but Johnson and Williamson?

A. I do not recollect any other; I think I had others, but I do not recollect their names.

Q. You did deliver others?

A. I recollect those, because they are my own acquaintances.

Q. What are their Christian names?

A. They are, George Johnson and William Williamson.

Q. Where do they live?

A. I cannot tell you that, it is now three years ago.

Q. Where did they live then?

A. Upon my word I do not know where their lodgings were.

Q. You have said that they were acquaintances of yours?

A. I am sure I cannot tell where they lived, I did not ask the Gentlemen their residence.

Q. You stated they were acquaintances?—A. Yes.

Q. Do

Q. Do you now state that you did not know where your acquaintances lived ?

A. They had not long arrived from Ireland.

Q. Were they in the Army ?

A. They never were, nor to my knowledge have not been in it yet ; they were three months trying to get in, through Mrs. Clarke, and could not.

Q. Did you deliver any other list to Mrs. Clarke but those two names ?

A. I never delivered a list to Mrs. Clarke.

Q. Did you ever deliver any other name to Mrs. Clarke ?

A. I cannot recollect any other name I delivered.

Q. Are you a married woman ?

A. I am a widow.

Q. How long have you been a widow ?

A. Nearly six years.

Q. How long did you live in South Molton-street ?

A. At two different periods, I suppose about a year and a half, but not altogether.

Q. Were you in a house or in lodgings ?

A. I was in lodgings.

Lord Palmerston. **Q.** Did you ever apply to Mrs. Clarke to procure leave of absence for any Officers ?

A. I never did, to my recollection.

Q. Not for Major Shaw ?

A. She told me she could not get leave of absence for him ; I was to tell him to get it through General Burrard.

Q. Then you did apply for Major Shaw ?

A. I sent word to Major Shaw that he must get two months leave of absence.

Q. Did you apply to Mrs. Clarke to procure that leave of absence ?

A. I did not ; she applied to me to beg Major Shaw would get two months leave of absence, that during that time she might have time to work on the good nature of the Duke of York, for fear he might suspect there was any thing improper in the transaction.

Lord Milton. **Q.** What answer did Mrs. Clarke give you, when you carried those two names you have stated to the Committee you carried to Mrs. Clarke ?

No. XIV.

R r

A. She

A. She said she would try, but must be very careful to have time, for fear there might be the smallest suspicion that it was a money transaction, as that would ruin her.

Q. Did she express any desire that it should be particularly concealed from the Duke of York?

A. She certainly did.

Lord Folkestone.—*Q.* You live in Villiers-street do you not?—*A.* Yes.

Q. Are you in a house there or in lodgings?

A. In lodgings.

Q. What is the name of the person to whom the house belongs?—*A.* Adair.

Q. Are there any other lodgers in the house besides yourself?

A. I believe there are.

Q. Is the Adair who keeps the house a man or a woman?

A. A woman.

Q. How long have you known Mr. Donovan?

A. Eighteen years, I believe.

Q. When did you last see Mr. Donovan?

A. This moment.

Q. When did you last see him, before you came to this House?—*A.* Yesterday.

Q. Are you in the habit of seeing him pretty constantly?—*A.* Constantly.

Q. Have you any knowledge of any transaction in which Mr. Donovan is engaged?

A. None, but that in which I was concerned myself, namely, Major Shaw's.

Q. Is that the only one of transactions of that nature of which you have any knowledge?

A. I do not recollect any other whatever.

Q. Had Mr. Donovan any concern in that list of names which you state yourself to have given to Mrs. Clarke?

A. No.

Q. Did Mr. Donovan at that time carry on any traffic of the same sort?

A. I know nothing about any thing Mr. Donovan does, only what concerned myself.

Q. When

Q. When you went to Mrs. Clarke, was it of your own accord, or were you sent by Mr. Donovan?

A. I went of my own accord, without any introduction whatever, and Mr. Donovan never knew that I knew Mrs. Clarke till three months afterwards, and till the business of Major Shaw was finished.

Q. When was that?

A. In April 1805 I think; I cannot be very certain as to the month, but I think it was April.

Q. Was Mr. Donovan acquainted with Mrs. Clarke?

A. Not to my knowledge, and I believe not.

Q. Were you often at Mrs. Clarke's in Gloucester-place?

A. I cannot say how often.

Q. Were you in the habit of going there frequently.

A. No, not very frequently.

Q. How often do you suppose you have been there?

A. Latterly Major Shaw got very impatient, and I went five or six times, I think, in the last month.

Q. Did you ever go there on any business but that of Major Shaw's?

A. I stated before, that I went on other business, and I have stated the business.

Q. Any other business, besides that of Major Shaw and that of Johnson and Williamson?

A. I do not recollect the other names.

Q. Did you ever go upon any other business but those two occasions?

A. No I do not recollect any other.

Q. I understood you to state these names of Johnson and Williamson were given up to Mrs. Clarke at the time with a great number of others?

A. I have not said a great number.

Q. With other names, were this affair of Major Shaw's and that in which Johnson and Williamson were concerned, the only occasions on which you went to Mrs. Clarke's?

A. I never went to Mrs. Clarke's on any other business but that, till Major Shaw's business was finished, and the papers returned.

Q. Were you well acquainted with the house Mrs. Clarke inhabited in Gloucester-place?

A. Certainly not.

Q. Into what room did you used to go?

A. Her bed room.

Q. Were you ever in any other room?

A. Yes, the front parlour and the drawing-room, and the bed-room.

Q. There was very handsome furniture in that house?

A. Very.

Q. Very magnificent?

A. It was very genteelly furnished.

Q. You have seen all those rooms, and have only been there two or three times; do you adhere to that statement?

A. I recollect stating, that I was there six times within the last month.

Q. How long have you been acquainted with Mrs. Clarke?

A. December, 1804, I think.

Q. The beginning of your acquaintance was in 1804?

A. Yes.

Q. On the occasion of Mr. Shaw?

A. I went before I went on the business of Mr. Shaw, I went without any introduction whatever.

Q. On what business did you go?

A. I was told she had commissions to dispose of, and without any introduction I went to her and asked her.

Q. Why was your being told she had Commissions to dispose of the reason of your going there, did you wish to procure Commissions?

A. I did at that time.

Q. For whom?

A. I do not know that I had any particular person in view at that time.

Q. You were in the habit of procuring Commissions?

A. No, I was not in the habit, that was the first time I went.

Q. Then you did go to Mrs. Clarke upon this business of procuring Commissions, besides the times you went about Major Shaw and Johnson and Williamson?

A. The first time I went to Mrs. Clarke, I told her I came to know if she had any Commissions to dispose of.

Q. Was

Q. Was that mere curiosity in you ?

A. No, it was not.

Q. What, then, was your motive for making that inquiry ?

A. At that period I had met with a very heavy misfortune ; my Agent in the West Indies died, and a house in London broke, and I was very much embarrassed.

Q. What mode did you adopt to ease your embarrassments ?

A. I had hopes that would, I did not conceive it improper.

Q. You sold Commissions ?

A. I never sold one.

Q. You negotiated the sale of them ?

A. I treated ; but it did not succeed.

Q. Were all the communications you had with Mrs. Clarke verbal ; did you ever correspond with her ?

A. I often wrote to her.

Q. You had frequently letters from Mrs. Clarke ?

A. I had.

Q. What was the latest period you ever received letters from Mrs. Clarke ?

A. I made it a rule, whenever I received a letter from Mrs. Clarke, the next time I saw her, to return her her letters.

Q. What is the latest period at which you received letters from Mrs. Clarke ?

A. I believe that one in which she inclosed me Major Shaw's security ; I believe that was the last, I do not recollect any other since.

Q. Have you never received any letter from Mrs. Clarke within these few months ?

A. No, I have not.

Q. And you never kept by you any of the letters you received from Mrs. Clarke ?

A. I have not one of them.

Q. When did you part with them ?

A. I made it a rule, whenever I went to see Mrs. Clarke, to bring the letter I had received the day before, and to give them to her.

Q. Was that an invariable rule ?

A. To the best of my knowledge.

R. r 3

Sir

Sir R. Williams. *Q.* You have stated in your evidence very lately, that you have been frequently in Mrs. Clarke's house in Gloucester-place, and that you have seen her in her bed-room and drawing room, and several places in that house; is that so?—*A.* Yes.

Q. How do you reconcile that to the former part of your evidence, where you stated that you had seen her only twice?

A. I never said so.

Mr. Barham.—*Q.* You mentioned that you would not visit Miss Taylor, out of delicacy, why did not that delicacy operate with regard to Mrs. Clarke, whom you knew to be living under the protection of the Duke of York?

A. I stated before my reasons for calling upon Mrs. Clarke.

Q. Did you ever upon any occasion receive any authority from Mrs. Clarke to negotiate the sale of Commissions in the Army?—*A.* Never.

Lord Milton.—*Q.* You have stated, that you were informed that Mrs. Clarke had Commissions in the Army to dispose of; who so informed you?

A. General report.

Q. Endeavour to recollect some individual who might have told you.

A. I do not recollect any individual telling me, I recollect asking a gentleman Mrs. Clarke's address.

Q. Who was that Gentleman?

A. Mr. Taylor; he is married to a sister of Mrs. Clarke since that.

Q. What object had you in asking him that question?

A. That I might call on her.

Q. You have stated, that you were in the habit of returning to Mrs. Clarke all the letters you received from her; what reason had you for pursuing that conduct?

A. She begged I should do so.

Q. Did she state any reason which induced you to do so?

A. For fear any accident should discover her trafficking in Commissions.

[The Witness was directed to withdraw.]

Sir GEORGE HILL observed, that a letter had been given

given in from the Archbishop of Tuam, which he could not at that time insist on having read, because though connected with the Archbishop, he was not able to speak to his writing. His Honourable Friend* having now come into the House, and he being able to speak to the writing, he wished it should be proved in order to have the letter read; for he was convinced that the Archbishop of Tuam would write nothing which he would be unwilling to have read in any assembly whatever.

Mr. BERESFORD repeated the last observation, and upon looking at the letter said that he believed it to be the hand writing of the Archbishop of Tuam.

JOHN CLAUDIUS BERESFORD, Esq. a Member of the House, attending in his place, was examined as follows ;

Q. Will you look at that letter, and state whether it is the hand-writing of the Archbishop of Tuam?

A. I have seen him write many times, and have no doubt it is his hand-writing.

[A Letter of the Archbishop of Tuam was read.]

“ SIR,

“ In consequence of your application to me, I am ready to give ample satisfaction, and to bear testimony, that I have had assurances from persons in whom I place the most implicit confidence, that you are a Gentleman of most unexceptionable character in every respect, of a respectable family, and independent fortune.

“ I have the the honour to be, Sir,

“ Your most obedient humble servant,

“ *Crescent, Bath, Feb. 17th, 1806.*”

“ *W. Tuam.*”

Addressed :

“ *The Rev. Dr. O'Meara, No 7, Alfred-street.*”

Mrs. MARY ANN CLARKE was called in, and Examined by the Committee, as follows :

Mr. Wardle. Q. Did you know Colonel Shaw?—**A.** Yes.

• **Mr. Beresford.**

Q. Do

Q. Do you recollect who introduced him to you?

A. Not exactly.

Q. Do you recollect his applying to you to procure an Appointment for him through the medium of his Royal Highness the Duke of York?

A. Yes, I do.

Q. State what that Appointment was.

A. He wished to be made a Lieutenant-Colonel, and to get some situation upon the Staff.

Q. Did Colonel Shaw promise you any pecuniary consideration on the event of his obtaining the Appointment?

A. Yes, he did.

Q. What was the pecuniary consideration he did promise you?

A. I cannot say that I immediately recollect the sum, I believe it was one thousand pounds.

Q. Did you, in consequence of this, acquaint the Commander in Chief with such offer, and apply for the Appointment?

A. Yes, I did; previous to his getting the situation, he wished to be Colonel of the Manx Corps in the Isle of Man, where his Father had been Deputy Governor.

Q. Do you mean to say that you applied for this situation for him?

A. Yes, I did, but there were stronger claims in another quarter.

Q. Did you then apply for any other situation for him?

A. Yes, I did.

Q. What was that?

A. That which he now holds.

Q. Do you know what that is?

A. Barrack-Master at the Cape of Good Hope; Barrack-Master General, I believe.

Q. Did you receive any pecuniary consideration in consequence of this Appointment? **A.** Yes, I did.

Q. What did you receive?

A. Five hundred pounds.

Q. Do you recollect how you received that money?

A. I had three hundred pounds from Colonel Shaw, and two hundred pounds brought by some man, I understood it was a Clerk of Coutts's, but I am not positive, and on that account

account had a great mind to send it back again ; thinking it would be made public.

Q. Were you satisfied with this five hundred pounds ?

A. No, I was not.

Q. In consequence of not being satisfied with the five hundred pounds, did you make any complaint through the Commander in Chief ?

A. Yes, I did.

Q. What was the consequence of such complaint ?

A. His Royal Highness said, he had told me all along, that I had a very bad sort of man to deal with, and that I ought to have been more careful, and that he would immediately put him upon half-pay.

Q. Do you know whether Major Shaw was put upon half-pay in consequence of that ?

A. He sent me several letters complaining, but I did not trouble myself much with reading them ; one of the letters I gave in to-night, I believe ; I thought him already too well off, for his conduct to me.

[Letter from Colonel Shaw was read, dated in pencil,
off the Lizard, 19th May 1806.]

“Off Lizard and a fair Wind, 19 May.”

“ Although I have troubled you so often, and although my
“ mind is nearly convinced that the hardship of which I com-
“ plained has been rectified by the order of *the Gazette in res-*
“ *pect to my reduction being rescinded*, yet whilst even the sus-
“ picion of so serious an evil and indeed an injustice continues,
“ I know that you will make every allowance, and pardon my
“ being so importunate. In addition to the custom of the army
“ being in my favour (as you mentioned) the following instances
“ are specifically so, and in the same appointment : Lt. Col. Ca-
“ rey, D. B. M. G. Major 28th Regiment Lt. Col. Vesey,
“ D. B. M. G. Canada, Lt. Col. 29th Regiment, the late Col.
“ Brinsley, D. B. M. G. West Indies, retained also his full-
“ pay Commission until his death : and I believe I stand *singu-*
“ *lar* in the Army, in an officer being appointed to the Staff
“ abroad, and reduced on half pay in consequence. Thus my
“ case bears in point of right. Your feelings will justify my
“ expectations in point of promise and assurances. The first
“ impression of receiving injury at the hands from whence I
“ had trusted to have merited the contrary, are the only ex-
“ cuses I can plead. For any intemperance that may have ap-
“ peared in my letters, you will, I am sensible, as my mind
“ was

" was at the *time* afflicted, readily pardon. The period may
 " rise in which you will know that, independent of particu-
 " consideration, I merited your *good offices*; but until circum-
 " stances develop themselves, you shall never understand them
 " through me or by my means. However severely I have felt,
 " however warmly I may have expressed myself, of this be as-
 " sured, that you shall not experience uneasiness of my occu-
 " sioning. Tho' thus decided at present, yet permit me to say
 " that it does not arise from *viewing otherwise* the severe and
 " cruel injury of putting me on half pay. Independent of pre-
 " sent mortification, my prospects in the active line of my pro-
 " fession are ruin'd by it, and, God knows, they are not very
 " brilliant, considering either the length or the nature of my
 " services. Further, Madam, in my present *separation* from
 " my children, it creates in me sensations particularly painful,
 " when I reflect, that if approaching that state to which we
 " must all at some period arrive, that I could not (by this
 " measure) have the consolation of resigning my Commission by
 " sale for the benefit of my *large family*; and that they should in
 " this event have no other memento of my *having served twenty*
 " *three years* than in the expences of the purchase, &c. &c. of
 " some Commissions. In such cases the humane consideration
 " of the present Commander in Chief have been eminently dis-
 " tinguished.

" I shall no longer trespass; my only apology rests in that
 " every feeling is involved in the present object. I had even
 " appropriated my full pay for the education of two children re-
 " maining in England; but illness has for some time deprived me
 " of all my family. Let me, Madam, owe good offices to you, and I
 " shall be ever grateful. From your explaining this case, I am
 " certain that *his justice* will be extended to me. Let me not
 " be driven from my profession. Do away the present bar to
 " my family joining me at the Cape; for I am sure that your
 " sentiments will accord, that I ought not to serve when no
 " longer with honour and on a *reciprocal* footing with those *simi-*
 " *larly appointed*.

" We are not likely, I fear, to be a healthy fleet; some ships
 " are very crowded, and sickness has already made its appear-
 " ance; and there are two ships, I hear, without either doctor
 " or medicines. Farewel; and I hope to receive your commands.

" Do away the present evil, and unite the Appointments I
 " mentioned, and I will annually remit three hundred pounds.
 " Whilst I remain, *remember do me justice*, let not any thing
 " prevent this; allow not self or family have ever to say that
 " we owed misfortune to such a hand."

" Addressed :

" *Mrs. Clarke, 18, Gloucester-place, Portman-square.*"

Mr. Croker. Q. I understood you to have mentioned on a former night, that you never had represented yourself as being a widow; do you now abide by that answer?

A. Does the Gentleman mean represented, or that I have ever said so?

Q. Have you ever said that you were, or represented yourself to be a widow?

A. If I have ever said so, it was never but at the Court Martial; if it was ever at any other time, it must have been in joke; but I never represented myself to be so; the two meanings are so different, of saying and representing.

Q. Do you ever recollect yourself to have stated yourself a widow at any other time, but on the occasion of the Court Martial?

A. I do not; but if the Gentleman will put me in mind at what time, or to whom, I will answer to the best of my recollection.

Q. Do you ever recollect yourself to have stated yourself to be a widow at any other time but on the occasion of the Court Martial?

A. Then I must repeat the same answer.

Here Mr. Croker interfered, and said that "If the Committee thought that a proper answer, he was satisfied."

Q. Have you ever called yourself by any other name than that of Clarke, since the year 1806?

A. I do not recollect that I have; but it is very likely, to avoid bailiffs.

Q. Is it so common a thing in you to assume a false name, that you cannot positively say when you assumed such a name, or indeed whether you did so at all or not?

A. I only wish the gentleman to point out, and I will answer it immediately, any pointed question.

Q. Is it so common a thing in you to assume a false name, that you cannot positively say when you assumed such a name, or indeed whether you did so at all or not?

A. I do not recollect that I have done so.

Q. Do you recollect to have gone by the name of Dowler?

A. No,

A. No, I do not; but it is very likely others might call me so; I never represented myself as Mrs. Dowler.

Q. Then you say positively, that you never called yourself by the name of Dowler, or represented yourself as bearing that name?

A. No, I have not, without it might be in joke; and if that is asked me, I will answer the question; it must have been to some acquaintance, if to any body, as I have always lived under my own name.

Q. Did you not, within the time alluded to, live at Hampstead, assuming to yourself the name of Dowler?

A. No, I lived at Hampstead, but under my own name.

Q. Nor in the neighbourhood of Hampstead?

A. No, never any where, but in my own name.

Q. In whose house have you lived at Hampstead?

A. Mr. Nichols's.

Q. How long did you live at Mr. Nichols's?

A. I cannot recollect how long.

Q. A considerable time?—**A.** Some months.

Q. During the whole of which you passed under your own name of Clarke?—**A.** During the whole time.

Q. In what year did you live at Hampstead?

A. Part of the year 1808, and the end of the year 1807.

Q. You have stated when you were last here, that you had seen Mr. Dowler but twice since his arrival in England; once on a Sunday, when he called relative to the business now under inquiry, and once in the Witnesses' room in this House; do you abide by that assertion?

A. I will not be caught in a story about that, and therefore I shall say I did see him once besides.

Q. Do you mean to say that you were caught in a story, when you before represented that you had seen him but twice?

A. No; it is now perhaps you wish to catch me in one.

Q. Did you not say that you had seen Mr. Dowler only twice?—**A.** It is very likely I might have said so.

Q. Is that true or false?

A. It is true that I have seen him twice, and it is also true that I have seen him three times.

Q. Where

Q. Where did you see Mr. Dowler the third time which you now allude to?—A. In this House.

Q. How often have you seen Mr. Dowler besides those three times, since his return from Portugal?

A. Those three times? Once since—yesterday.

Q. That is the whole number of times that you have seen Mr. Dowler since his arrival in England?

A. I believe that the Honourable Gentleman can tell pretty well, for his garret window is very convenient for his prying disposition, as it overlooks my house.

Q. That is the whole number of times that you have seen Mr. Dowler since his arrival in England?—A. Yes.

Q. You are sure of that?—A. Yes.

Q. You are not now afraid of being caught in a story; you answer with perfect recollection?

A. If the Honourable Gentleman wishes it, I will say I have seen him oftener, if it will at all tend to any thing; I do not wish to conceal that Mr. Dowler is a very particular friend of mine.

[The Chairman informed the Witness that she did not stand there to make observations on the Gentlemen who examined her, but to give correct and proper answers to the questions put to her.]

A. I have, as well as I can recollect.

Q. At what other places than those you have already mentioned; and at what other times, have you seen Mr. Dowler since his arrival in England?

A. I have seen him at his own Hotel.

Q. When?

A. The first night he came home, I believe, but which was to have been a perfect secret, as I did not wish my own family, or any one, to know I saw him that night.

Q. Only the first night he came home?

A. And the other times I have stated.

[The witness was directed to withdraw.]

Mr. WILBERFORCE objected to these questions.
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as tending to no useful purpose. The House was already perfectly aware of the character of the witness, and there was no occasion for this method of elucidating it farther.

The CHANCELLOR of the EXCHEQUER was surprised at this interruption. It ought to be recollected that the whole of these charges, as they affected the Duke of York, principally depended on the credit of this witness, and in some measure upon that of Dowler. He had represented that he had only paid her one visit, in the morning, since his arrival, and that for the purpose of persuading her not to bring him forward. He had also endeavoured to hold himself out as an unwilling witness. If then, after what both of these witnesses had said, it could be proved that she had seen him at his own hotel, and actually passed the night with him, it would be a very material consideration, and would go strongly to impeach the credit of both.

Mr. FITZGERALD was surprised at the rebuke which the Right Honourable Gentleman had given to the Honourable Gentleman opposite, who, from the most conscientious motives, had objected to this line of examination, which had no other effect than to exhibit the character of the witness, in a sort of light, with which the House was already acquainted. Mr. Fitzgerald defended the propriety of this objection, and thought that this line of examination served no other purpose than that of bringing forward unnecessary scandal.

Mr. CROKER expressed his surprize that the Right Honourable Gentleman * should have volunteered in defending his Honourable Friend †, upon whom he had certainly made no attack. Mr. Dowler had

* Mr. Fitzgerald.

† Mr. Wilberforce.

given in evidence, that he had seen Mrs. Clarke only twice since his return from Portugal, whereas it now appeared from Mrs. Clarke's own evidence, that they had met much oftener; and he put it to the Committee, whether it could be considered as idle in him to question the witness upon a point which went not only to undermine the credibility of one, but of both. Besides, if instead only of two interviews, there had not been an hour from his arrival in this country to the time at which he appeared at the Bar of the House, in which he might not have been passing his time with this woman, and plotting along with her an attack upon the illustrious personage now accused, it was surely fit that the Committee should be made acquainted with this circumstance. He therefore trusted, that he should not be interrupted in the train of questions which he had thought it his duty to put to the witness.

Sir G. WARRENDER admitted that the questions put by the Honourable Gentleman bore upon the credibility of the witness; at the same time he was not of opinion, that in whatever manner they might be answered, they would imply that sort of contradiction which was calculated to remove the impression of the evidence from the mind of the public. It had been said by a Right Honourable Gentleman opposite*, that there were no minutes of the recommendation which led to Mr. Dowler's appointment at the Treasury. Now if it should be found that such a minute did exist—

Here the Honourable Gentleman was called to order by General Stewart.

Sir GEORGE WARRENDER said, that his object was to shew that the examination of the Honourable

* Right Honourable Mr. Long.

Gentleman * could not lead to any result at all satisfactory to the country; and, in his opinion, it would be much better to make the questions to bear upon facts, than upon any flaw which might afterwards be detected in the consistency of the evidence.

Mr. BRAGGE BATHURST declared, that if this line of examination was not tolerated, he did not see how the Committee could at all arrive at the truth. If the evidence of only one person was brought to substantiate a fact, it was surely of no small importance to know whether the testimony of this person ought or ought not to be believed.

Mr. ADAM contended, that the examination instituted by the Honourable Gentleman, affected the credibility of Dowler as well as of Mrs. Clarke, and that on that account it was of no small importance. Dowler had given in evidence, that he had obtained his appointment through the influence of Mrs. Clarke; he had also declared, that he had only seen her twice since his return from Portugal. Now if he was convicted of saying what was not true in the one case, it was by no means improbable that he may have spoken falsehood in both.

[The Witness was again called.]

Mr. Croker. Q. Are those the whole of the times you have seen Mr. Dowler since his arrival in England?

A. Yes, they are.

Q. You have stated you saw Mr. Dowler at his Hotel; how often did you see Mr. Dowler at his Hotel?

A. I have told you, once.

Q. Only once?—A. Only once.

Q. What day was that?

A. I have already stated, it was the first day he came home.

Q. On Thursday?—A. Yes, on Thursday.

* Mr. Croker.

Q. What

Q. What time of the day did you see him at his Hotel on the Thursday?—**A.** At night.

Q. Did you pass under your own name, of Clarke, on that occasion?—**A.** I passed under no name.

Q. Do you now perfectly recollect that you saw him at his Hotel since his arrival in England but on that one occasion, that Thursday night?

A. No, the other times I have stated.

Q. At what Hotel did you see him?

A. At Reid's, in St. Martin's Lane.

Q. Did you see him more than one time at that Hotel?

A. No, I did not, I saw him at my own house afterwards.

Q. Were you in company with Mr. Dowler for a considerable time upon that occasion?

A. I have stated that I was in company with Mr. Dowler; and I beg leave to ask the Chair, whether this is a proper question, whether is not unbecoming the dignity of the House?

Q. Did you see Mr. Dowler on the Friday morning?

[The Witness was ordered to withdraw

[The Witness was again called in, and the question was proposed.]

A. My visit continued till the Friday morning.

Honourable Mr. Lyttelton. **Q.** Had you any credit with the Duke of York's Bankers?—**A.** Which of them?

Q. With either of them?—**A.** With neither.

Q. Did you ever draw any bills upon the Duke of York, which he accepted?

A. No; it was given out at the Horse Guards, that I had committed a forgery upon the Duke for two thousand pounds, which I did not, and it followed me all over the country, and many persons were very much inclined to believe it, as Mrs. Hamilton Pye, Colonel Gordon's sister, said she knew it of her own knowledge.

Q. Did you ever draw any bills upon the Duke of York, which he accepted?

A. No, he always drew them and accepted them himself.

self; I never had any thing to do with them, he did the whole.

Q. Do you mean you never sent a bill, drawn upon the Duke of York, to Birkett's, the silversmith's?

A. Once or twice his Royal Highness gave me small bills for three or four hundred pounds, but they were his own signing and drawing up; it was to get my necklace, or something in that way, from Parker's, in Fleet Street, but I never drew a bill, nor never touched any thing of the kind; but I was always obliged to sign something else private to Parker, for he would not take his Royal Highness's bill without my doing so.

Q. Then you deny that you sent any bill drawn by the Duke of York or yourself upon the Duke of York to Birkett's, the silversmith's?

A. I never sent any to Birkett's.

Mr. Creevy. **Q.** You have stated the number of horses and servants you kept, and that his Royal Highness allowed you only a thousand pounds a year; you remained under the protection of the Duke of York for three years; during that time did not his Royal Highness pay you to the amount of twenty-five thousand pounds in those three years?

A. O dear, no! He very frequently did not make good his monthly payments, and for the three months before he left me I never had a guinea from him; and although Mr. Adam has stated that his Royal Highness parted with me on account of a bill, his Royal Highness never had the generosity to give me the money for that bill; it was only one hundred and thirty pounds and I never had a guinea value for it; I had given it to Mr. Corri, to save him from going to prison.

Q. Do you not believe that his Royal Highness, during the three years you were under his protection, paid twenty thousand pounds for you, including all the various sums that were advanced to you, the payment of tradesmen's bills, &c. &c. during those three years?—**A.** No, he did not.

Sir George Warrender. **Q.** Will you undertake to say that his Royal Highness did not pay fifteen thousand pounds for you during those three years?

A. Do you include his Royal Highness paying for the house

house before I went into it, or keeping me and the establishment?

Q. Including every thing, all the advances that were made?

A. I cannot tell what he paid for the house; I can tell what my lawyer got for it.

Q. What was the amount which you got for it?

A. I believe the whole sold for four thousand four hundred pounds; and I think it is proper for me to state in what situation I was, which his Royal Highness knew at the time of our parting: some short time before, I had borrowed different sums of money of my lawyer, to the amount of twelve or fourteen hundred pounds, and I asked the Duke for the lease, and he gave it to me, and I gave it up to the lawyer for the different sums of money received from him before the house was got rid of; his Royal Highness had not paid the rent for the last half year, and I fancy the taxes for a twelvemonth were not paid; I always paid the taxes; I took seven hundred pounds on account to pay the poor tradespeople and the servants; seven hundred pounds was due to Mr. Parker, for trinkets, which were got from him to be sold in the sale.

Q. Exclusive of the house, will you undertake to say you have not received to the amount of fifteen thousand pounds from his Royal Highness?

A. That I am very sure of.

Q. Can you undertake to say that positively?

A. Positively.

Q. Will you undertake to say positively you did not receive twelve thousand pounds from his Royal Highness, including every advance, and articles paid for during those three years?—A. Yes.

Q. Will you undertake to say positively his Royal Highness did not pay ten thousand pounds to and for you?

A. Yes, I can. His Royal Highness paid nothing for me but in gifts, except what he was to have brought me regularly; whatever value it might have been it was in trinkets and those things; it was presents, not in money; I cannot say what the amount of those might be, they all went from me before I left Gloucester Place, which

which his Royal Highness must be aware of, that I had nothing even to take me out of town. He promised to give me two hundred pounds for my journey, but Mr. Adam objected to that to my lawyer, and said, one hundred pounds was plenty; but the Duke overruled it, and sent me two some time afterwards.

Q. Will you undertake to say that the whole amount of his Royal Highness's advances to you and for you did not amount to five thousand pounds?

A. No, I cannot say as to that.

Q. Do you mean to say, that, except the one thousand pounds a year, which was given for the establishment, and which was shortly paid, you were not paid any more money, and was it not to a very large amount?—*A.* No.

Q. Were you paid no more money besides the one thousand pounds a year?

A. No, I was not. I certainly complained to his Royal Highness, and he said, he would make some future arrangement. I convinced him that it was not more than sufficient to pay the servants wages and liveries.

Mr. Herbert. *Q.* Then if I understand you right, you say positively that you had no more to live upon in money than one thousand pounds a year?

A. No, I should not say that; if I have been very much harrassed for any thing, and could not get it from other quarters, and there was nothing in view, his Royal Highness would then bring me one hundred pounds extra, or two perhaps, but I do not recollect even two; I do one or so, one now and then, but not often.

Q. Then in point of fact, the Committee are to understand you did not receive any considerable sums of money to support your establishment, except the one thousand pounds a year?—*A.* No.

Sir G. Warrender. *Q.* In the course of your former examination you stated, that his Royal Highness advanced sums of money when unpleasant things happened, and that unpleasant things were constantly happening; do you adhere to that statement?

A. This is what I have been alluding to now, but it never exceeded two hundred pounds or came to that; I never

ver recollect his bringing me two hundred pounds over what was the allowance; when I first went to Gloucester Place, the first present that ever his Royal Highness made me was five hundred pounds; that went for linen and different things.

Q. State what you mean by constantly; how often in the course of a month?

A. I mean in the course of three years.

Q. How often do you mean unpleasant things have happened, when you apply the term constantly?

A. I think it is an improper term; they frequently happened; but Mr. Dowler has relieved several things as well as his Royal Highness, and I think oftener; I do not recollect his Royal Highness's doing any thing above twice.

Q. Do you mean to say that twice in the course of three years is your explanation of constantly?

A. I have said that the word was improperly used.

Mr. Wallace. Q. You have stated, that when the Duke of York quitted you, he left you in debt upwards of two thousand pounds; was that beyond the sum for which you sold the house, and was not the house left to you for the express purpose of paying your debts?

A. There was no money left after the small debts were paid, and the seven hundred pounds I had paid among the poorer sort of people and the servants, which the lawyer can prove; I have stated that there was four or five hundred pounds to Mr. Harry Phillips, for his commission: I had no balance coming to me. His Royal Highness stated, that I had trinkets to pay the debts as well as the house, but he knew where the trinkets were; Mr. Comrie can state the whole.

Q. How soon after you went to live in Gloucester Place did your distresses begin?

A. A long time after; I was perfectly clear of debt when I went there.

Q. Did you receive any considerable sum beforehand from his Royal Highness, or only received the instalments of one thousand pounds a year when you went there?

A. I had five hundred pounds to buy some little necessary things in plate and linen.

Q. That

Q. That was the five hundred pounds you mentioned before?—A. Yes.

Q. Then of that five hundred pounds no part of it went towards the establishment?

A. No, it went immediately in necessaries.

Q. How soon did you begin the establishment which you stated the other night, as to the number of servants, horses, and other expences?—A. Immediately.

Q. Were you accurate in stating, that what you had from his Royal Highness would only pay the liveries and wages?—A. Very soon afterwards I found it.

Q. Then how did you support this establishment in other respects; how did you feed the servants, and where did you get your monies for the other expences you might have had?

A. Some of the money has come before the House, the manner in which I tried to get it.

Q. How soon did that begin after your establishment in Gloucester Place?

A. I should think about half a year perhaps; I never began it till I felt distressed, and the hints I had from his Royal Highness; he told me that I always had more interest than the Queen had, and that I might use it.

Q. Had your distresses begun before the end of the six months; if not, how soon afterwards?

A. I was going on in credit at the beginning.

Q. How much do you think you were indebted at the end of the first six months?

A. I really cannot say, I was always frightened to look at it.

Q. Then you were largely indebted at the end of the first six months?—A. Very much so.

Q. Then your distresses must have begun; and your pressure by bills must have begun very shortly after that time?—A. Yes.

Q. Did they not continue during the whole of the three years?—A. Yes, they did.

Q. Can you say nearly to what number of persons you might be indebted on account of your establishment; what number of creditors you had?

A. That

A. That

A. That is quite impossible; I have a list of a great many at home, of all that I owe money to.

Q. Do you think you had fewer than fifty?

A. I should think not fewer than fifty; but it might be fifty, or perhaps more.

Q. They were all very pressing?

A. Most of them, as soon as I got into debt, pressed for places.

Q. Did they not press for money?

A. When they found I did not take them up in the other way.

Q. How long were they before they found that?

A. I always felt it was impossible to recommend a tradesman to any place; and one that was about me especially.

Q. Then they soon found they could get no places?

A. Yes, I suppose they did.

Q. Then they immediately proceeded to demand their monies, did not they?

A. Yes, they did: but they were always very willing to serve me, because they were handsomely paid in the end; they charged me quite as high as ever they charged the Duke himself, if not higher.

Q. Did not numbers of them proceed, at the expiration of six months or thereabouts, to bring Actions against you?

A. Yes, they did.

Q. Did not many of those Actions proceed, so as to incur great costs, besides the debts?

A. Yes, very great indeed.

Q. What do you say you were indebted when the establishment in Gloucester Place broke up?

A. Under three thousand pounds.

Q. Then how were those great debts paid that were incurred, and which were so continually pressed for, from the expiration of six months, and greatly swelled by the costs of the Actions?

A. I found means in some way or other to satisfy them.

Q. Were not those means supplied directly or indirectly, to a great amount, by the Duke of York?

A. No, never.

Q. Can you then take upon yourself to say, that many bills, upon which actions were brought, and the costs incurred, were none of them satisfied by the Duke of York?

A. No.

Q. How do you know that?

A. I know it as well as I know any other circumstance.

Q. Did you pay them yourself?—A. Yes.

Q. How long after your living in Gloucester Place was it before you were enabled to get any sums of money, by the patronage you talked of?

A. Perhaps three or four months, or five months, I cannot exactly say.

Q. Can you say to what amount you got by it in the first year?

A. No, I cannot, I never took any account.

Q. Can you say to what amount you got by it in the course of the three years?

A. No, I cannot, I never took any account whatever of any thing.

Sir G. Warrender. Q. Did the Duke of York defray the charge of no part of your expenditure, such as horses and carriages, independent of the allowance?

A. He bought one carriage, which I stated before.

Q. Did he purchase any horses?

A. For about six months I had job horses, the others I always purchased myself. I lost about nine hundred pounds in one year, in the purchase of horses.

Q. Were those horses kept at the expence of the Duke of York, exclusive of the allowance?

A. No, they were not.

Q. Do you know the Father of Miss Taylor, who was examined here the other night?—A. I do.

Q. How long have you known him?

A. I have known him about ten years, but I have never seen him above half a dozen times.

Q. Have you always known him by the name of Taylor?

A. Always.

Q. Did you ever state to his Royal Highness that one thousand pounds a year was insufficient to support your establishment?—A. Yes, he knew it.

Q. Miss

Q. Miss Taylor stated herself to be very poor; have you been kind to her, and made her presents from time to time?—A. Yes, I have.

Q. Have you lately?

A. Yes; I have not within these two months; about Christmas she told me she should get the money for her scholars, it was previous to that I assisted her.

Q. To what amount did you assist her?

A. Very trifling, I had not much within my own power.

Mr. Wardle. Q. Did the Duke of York ever send out bills in your name, for which he received the money himself?

A. I have asked for money for his Royal Highness of a Gentleman, but the Duke wanted to give a longer bill for it.

Q. Of your own knowledge, can you say, that the Duke of York was in the habit of drawing bills at date, in which he placed your name?—A. No.

Q. Do you know that these bills, by which the plate at Messrs. Birketts' was paid for, were drawn in the way alluded to?

A. I never saw the bills; I should rather suppose they were drawn upon himself and signed Frederick.

Q. Do you recollect ever getting any money for the Duke of York, upon any bills drawn by himself, or any paper of that description, that he gave you with his name upon it?—A. No; I do not think that I did.

Q. You spoke of having a house at Weybridge; was that house ever repaired at your expence?

A. Yes, it was thoroughly repaired, and I built a two-stall stable there; I laid out between two and three hundred pounds upon it, if not more; I believe more; there was forty or fifty pounds alone for oil cloth, to screen his Royal Highness; to screen his visits, when he was going backwards and forwards from the neighbours.

Q. Do you know what your diamonds cost the Duke of York?—A. No, I do not; I never asked.

Q. Were those diamonds ever in pawn, during the period you were with the Duke of York?

A. Very frequently; and I recollect that when Mr. No. XIV. T t Dowler

Dowler paid me eight hundred pounds I took them out ; so that Parker's book would convince about the time that he got his appointment, and I received the money from him ; it was within two or three days of his being gazetted, either after or before.

Q. Was the Duke of York acquainted with the circumstance of your diamonds being in pawn ?

A. Yes ; because he gave me his own bill once, and something else, payable to Parker ; Parker can shew by his books who it was payable to.

Q. Do you recollect the amount of that bill ?

A. Four hundred pounds.

Q. You have this night stated, that if ever you called yourself Mrs. Dowler, it must have been in joke ; and you have stated also, that when you were at Hampstead, you had not called yourself Mrs. Dowler ?

A. No, I had not, never.

Q. State whether you might not then have said any thing of that kind in joke ?

A. I might have said that in joke ; but I never represented myself as Mrs. Dowler, nor as any thing but exactly what I am, except at the Court Martial.

Q. Did you receive any letters when you were at Hampstead ?—A. Yes, I did.

Q. Do you recollect how those letters were directed ; were they to Mrs. Clarke ?

A. To Mrs. Clarke, or else to Captain Thompson, for I was afraid of being arrested ; or to Mrs. Nichols, the woman's name who waited upon me ; she acted as my cook ; she was the mistress of the house.

Q. Do you recollect any letter or letters directed to you as Mrs. Dowler ?—A. No, never ; I never had such a thing.

Q. Was Miss Taylor in the habit of visiting you frequently in Gloucester Place ?

A. She almost used to live constantly with me there, she would be there two or three days in a week ; that was when her Father's misfortunes were beginning.

Q. Was Miss Taylor in the habit of dining, when she was there, with the Duke of York and yourself ?

A. Very frequently.

Q. Do

Q. Do you recollect the names of the servants that used to wait upon you at dinner in general?

A. I never used to let the livery servants come into the room, very seldom or never, the butler in general; the other servants used to bring the tray to the door; but she has been seen in the drawing-room by the maid servants, as well as the other men and the butler.

Q. Had you a footboy of the name of Samuel Carter?

A. Yes, I had; but Colonel Wardle told me he would not mention that.

Q. State whether Samuel Carter was in livery or not?

A. No, he never wore livery.

Q. Did he attend your carriage when you went out?

A. Sometimes, if I had no servant in the way; but I liked to spare him as much as I could.

Q. But he was in the habit of waiting at dinner upon the Duke of York, yourself, and Miss Taylor?

A. Yes, he was.

Q. He constantly waited at dinner during the period he was in your service?—A. Yes.

Q. How long was he in your service?

A. I should think about a twelvemonth, not all that time in Gloucester Place.

Q. Where did he live before he came to you?

A. With Captain Sutton.

Q. As his footboy, or in what capacity?

A. Captain Sutton was lame, and he was every thing to him.

Q. At Gloucester Place did he do the work jointly with the other footmen?—A. Yes.

Q. Was he perfectly well known to his Royal Highness, the Commander in Chief?—A. Yes, he was.

Q. What is become of him?

A. He is in the West Indies.

Q. Did you get him a commission in the Army?

A. Yes I did.

Q. In what Regiment did you get him a commission?

A. Where he is now, in the 16th Foot; I think he is one of the Staff.

Mr. Herbert. Q. Do you know why the Duke of York withdrew his protection from you?

A. Mr. Adam states that was in consequence of my pleading my marriage to a bill of one hundred and thirty pounds; but I can prove the contrary to that, as I had done it once before, and he knew it; and the man had sent threatening letters to him, and to the whole of his Royal Highness's family; his name is Charman, a Silver-smith in St. James's Street; I have my own opinion of the separation.

Q. Did his Royal Highness assign any reason for it?

A. No, he did not; but I guess the reason.

Q. Was it on account of your interferences in Military Promotions?

A. No, it was what Mr. Adam stated, upon money matters; but not that one of the bill.

Q. You stated, that you had been frequently conversant in Military Promotions, and sometimes successfully; can you confidently state, and risk your veracity upon it, that the Duke of York was ever privy to one or more of those transactions?—A. To the whole.

Attorney General. Q. Do you mean to state, that you did not represent that Mr. Dowler was your husband, when you were at Hampstead?

A. No, I did not represent.

Q. Do you mean to state, that you did not say that Mr. Dowler was your husband?

A. I might have said so very possibly, but never serious, because they must have known better, whoever I said it to.

Q. Did you or did you not ever say, that Mr. Dowler was your husband?

A. I think it is very possible I did say so, in the manner I have stated.

Q. Do you not know that you did say that Mr. Dowler was your husband?—A. No, I do not.

Q. Did you not assign a reason for keeping your marriage with him secret?

A. I do not recollect that I did; I could only have said it to some one who was very intimate with me, and knew all about me, and could have no view in it.

Q. Was

Q. Was Mr. Dowler ever in the same house with you at Hampstead?

A. Yes, he was very frequently, during the time he was in England.

Q. Did he sleep in the same house?

A. Yes, he did, several times, but not with me.

Q. Had Mr. Dowler any acquaintance with any person in the house, except yourself?

A. There was no one there except myself and my children, and a French young lady, and Captain Thompson.

Q. In whose house were you at that time?

A. Mr. Nichols's house.

Q. Do you mean to say, that during the time you resided in Gloucester Place, a part of the expences of the establishment were not defrayed by the Duke, besides the allowance that he paid to you?

A. I have stated all I can recollect.

Q. Do you mean to say that none of the bills for the constant expences were paid by his Royal Highness?

A. Yes, I do.

Q. Did not his Royal Highness pay for the furniture of the house?

A. I did not mean to say that, I understood constant expences; I do not put the furniture as constant expences.

Q. Did not the Duke pay for the furniture?

A. Yes, all of it except the glass; I believe that cost me four or five hundred pounds. The chandeliers, those I paid for myself.

Q. Did not his Royal Highness pay for the wine?

A. He sent in a great deal of wine, but I bought wine myself; I kept a great deal of company, and a great deal was drank.

Q. Do you mean to say that a chief part of the expences for wine was not defrayed by his Royal Highness?

A. His Royal Highness sent in wine, but it never was enough; I purchased wine myself, both Claret and Madeira; and even that he did send in, he used to scold very much that it went too fast.

Q. To whom did you apply for the Commission for Sam. Carter in the 16th Regiment?

T t 2

A. To

A. To his Royal Highness.

Q. Did you apply to his Royal Highness for a commission for Sam. Carter in the name of Samuel Carter?

A. Yes; it was his real name.

Q. Is it the name in which he is gazetted?—**A.** Yes.

Q. Was that the name by which he was usually called in your family, and even to his Royal Highness the Commander in Chief?—**A.** Yes, it was.

Q. Was his Royal Highness aware that it was the same person who had occasionally waited upon him at your table, for whom you asked that Commission?—**A.** Yes, he was.

Q. Was he recommended by any body beside yourself?

A. No; I suppose it is in the Office; some one has recommended him.

Q. What interval elapsed from the time Carter was in your service till he obtained the Commission?

A. I should think he was living with me near a twelve-month altogether, not entirely in Gloucester Place but in Tavistock Place likewise.

Q. Did he go immediately from your service into the Army?—**A.** Yes, he did.

Q. Did his Royal Highness see Samuel Carter subsequent to his being gazetted?—**A.** Yes, he did.

Sir John Sebright. **Q.** Did he speak to Samuel Carter on the subject of his having a commission, either before or after he obtained the Commission?

A. I do not know what his Royal Highness said to him; but he saw him after he had been down to the Isle of Wight, and joined the dépôt; he came up to me for some money, and his Royal Highness saw him in Gloucester Place.

Q. Is Samuel Carter any relation of yours?

A. No, not at all.

Right Honourable Mr. Yorke. **Q.** What part of the time did Carter live with you in Gloucester Place?

A. I should think five or six months; I cannot exactly say, but I know he lived with me many months.

Q. At the time Miss Taylor was dining so constantly with you as you represent, was Peirson your butler?

A. He

A. He waited upon her while he was there, and the other also; Samuel Carter has been waiting while she has been with us, and another butler, who has left me.

Q. You have stated, that Samuel Carter was a boy; what age was he when he got his Commission?

A. I called him a boy, because he was short; I believe he was eighteen or nineteen, of a proper age for the Commission.

[Here amidst a cry of disapprobation, the Witness was directed to withdraw.]

WILLIAM ADAM, Esquire, attending in his place, was examined as follows:

Q. It appears that an annuity of four hundred a year was to be paid conditionally to Mrs. Clarke; were you consulted by the Duke of York whether that annuity should or should not be paid?

A. I have already stated all I know respecting that annuity, and if the Honourable Gentleman will refer to the evidence I have given, he will find that I know nothing about the payment of the annuity.

Q. Do you confirm the statement made by Mrs. Clarke, that she had an allowance of only one thousand a year?

A. If the worthy Baronet will take the trouble to peruse the evidence I have already given, he will find it is perfectly inconsistent with any account I have given, that I could possibly answer that question, because I am totally ignorant, as I have already said, of all payments made by the Duke of York, except those which fell under my cognizance as Trustee.

[The House then resumed: to report progress, and ask leave to sit again.]

LORD FOLKSTONE moved, that on the sitting of the Committee this day, Colonel Gordon do attend

the same with all the documents respecting the commission of Major Turner, of the 3d or King's Own Dragoons.—Ordered.

The following witnesses were ordered to attend : Mr. Donovan, Mr. Dawson, Mr. Shaw, Mr. Barber, and Mr. Nicholls.

The CHAIRMAN then, on the motion of Mr. Wardle, reported progress, and asked leave to sit again. The House was resumed, and

Mr. WHARTON brought up the Minutes of the proceedings before the Committee.—Ordered to be printed.

Adjourned at Half Past Two o'Clock.

On TUESDAY the 14th of FEBRUARY,

On the Motion of Mr. WARDLE the House resolved itself into a Committee of the whole House to enquire farther into the Conduct of the DUKE of YORK.

Mr. WHARTON in the Chair.

Mrs. ELIZABETH BRIDGMAN was called in, and examined by the Committee, as follows:

Mr. Wardle. Q. Do you recollect any thing of Pearson, the butler to Mrs. Clarke, calling to have a note changed the latter end of July, 1805?—*A.* Yes, I do.

Q. State where you live?—*A.* No. 6, Vere Street.

Q. In what business are you engaged?

A. A confectioner.

Q. State exactly what passed with regard to that note?

A. I cannot recollect exactly what passed, but I did not change the note.

Q. Do you recollect Pearson bringing a note to be changed at that time?

A. He

A. He did bring a note, but I do not recollect seeing the note, and I did not change it.

The Chancellor of the Exchequer. *Q.* Have you no memorandums which you could refer to?—*A.* No.

Q. Perhaps you do not know the amount of the note?

A. I think he said it was a hundred pound note.

Q. You did not see it, but he said so?

A. I did not see it.

Q. Do you recollect with any precision the time, the day, or the month in which it happened?—*A.* I do not.

Q. Some time in July?

A. I cannot say what time it was, but I recollect the circumstance of his coming with the note.

Q. You cannot even be sure as to the month in which it took place?—*A.* No.

General Loftus. *Q.* Was he frequently in the habit of coming to your house?

A. Frequently, to order things for Mrs. Clarke.

Q. To get notes changed?

A. I never recollect his changing any thing more than a small note, which might be to pay any little bills she had contracted.

Q. You do not, of your own knowledge, know this was not a small note?

A. No, I did not see it; he merely asked me, whether I could change such a note.

Q. You did not see the note, and did not change it?

A. No.

Mr. Wilberforce. *Q.* Do you recollect what was the largest note you ever changed before for him?

A. I do not, but none of any high amount I never changed.

Q. Are you certain that Peirson told you this was a large note?

A. To the best of my recollection he said a one hundred pound note.

Lord Folkstone. *Q.* Do you recollect whether it was in the summer time?

A. I cannot say positively, but I think it was.

Mr. Shaw Lefevre. Q. Do you not carry on business in partnership with another person?

A. There is another person in the concern with Mr. Bridgman, but not exactly a partner; but he knew nothing of the transaction of the note.

Q. Did you in general have the management of the money concerns, or the partner, in the year 1805?

A. He had nothing to do with it, he was in the country.

[The Witness was directed to withdraw.]

Mr. ALEXANDER SHAW was called in, and the Letter from Lieutenant-colonel Shaw to Mrs. Clarke, given in evidence yesterday, being shewn to him, he was examined by the Committee, as follows:

Mr. Wardle. Q. Do you know Colonel Shaw's hand writing?—*A.* I think I ought to know it.

Q. Do you know that to be the hand writing of Colonel Shaw?—*A.* I think I know it to be.

Q. Did you ever see him write?—*A.* I have.

Q. Do you state that to be his hand writing?

A. I believe it is.

Lord Henniker. Q. Have you any doubt about it?

A. I have no doubt about it; it is very like, and I believe it is.

Q. Did you ever see Colonel Shaw write?

A. Colonel Shaw is my Son, and we have lived as father and son ought to do; as good friends.

[The Witness was directed to withdraw.]

Mr. CHARLES SHAW was called in, and examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. Of your own knowledge, do you know that two hundred pounds was remitted

mitted to Mrs. Clarke on account of Colonel Shaw ?

A. No, I do not ; but I know that three hundred pounds was.

Q. State at what period that three hundred pounds was remitted ?

A. I received a letter from Colonel Shaw, mentioning that he wished to convey three hundred pounds to his friend, and requesting that I would receive that sum of Mr. Coutts, having sent me an order to that effect, and that I would send it by a careful hand, addressed to Mrs. Clarke, No. 18, Gloucester Place. I received the money from Mr. Coutts, in consequence of the order, and delivered it myself at the door.

Q. When was that ?

A. I unfortunately have kept no papers or any letters ; but, in consequence of the summons of this House, I called at Mr. Coutts's to-day, and found from their books that I received it on the 9th of May 1806 ; and I perfectly recollect that I delivered it that day at Mrs. Clarke's door.

Q. Was this a remittance from Colonel Shaw from the Cape ?

A. From Bath ; he was then immediately to leave Bath for Portsmouth to embark for the Cape ; the letter, I perfectly recollect, stated, that though he had received his Appointment through the influence of his friends—

Q. Then you have got the letter ?

A. I unfortunately have it not, for I destroyed it soon after he embarked ; but I perfectly recollect that he stated, that though he had received the Appointment through the influence of his own friend, Mrs. Clarke had shewn a disposition to serve him ; that he had already paid her three hundred pounds previous to this, and had received an application for the last sum by way of loan, and that he was loth to refuse her, because he believed there was a disposition to serve him, though the Appointment came certainly through the influence of his friend, whom I knew to have been Sir Harry Burrard, who had interested himself very much upon all occasions for this gentleman,
and

and that the appointment was got by him ; but that, if this lady has shewn a disposition to serve him, he has in consequence sent this three hundred pounds ; that it was expressly given by way of loan. In consequence of what I read to-day in the news-paper, that Mr. Clarke declared in this House that this gentleman had used her ill, and had not fulfilled all his engagements, I beg to declare from my own knowledge, and I am ready to bring evidence to the bar of this House, that Lieutenant-Colonel Shaw is a man of as high honour and as good an officer as any man in the King's service, and is incapable of making any pecuniary promise that he has not literally, faithfully, and honourably supported. I beg pardon, if I have been too warm ; but it is such a reflection upon this gentleman. I am willing to produce officers, from his colonel downwards who will state that he never forfeited an engagement he had made in his life ; his services are well known.

[The witness was directed to withdraw.]

Colonel GORDON was called in, and examined by the Committee, as follows :

Mr. Wardle. Q. Can you state when Major Shaw was appointed to be Assistant Barrack-Master General, and at what period he was put upon the half-pay ?

A. I beg to ask, whether you would wish me to answer that question as it is put to me, or to read the whole proceeding respecting Major Shaw's appointment, from the first to the last.

The Chairman. Answer the question at first, as it is put.

A. I do not believe that I have got the document in my possession which can exactly answer that question ; it must have been about the end of March 1806, or the beginning of April.

Mr. Wardle. Q. Do you mean that it was the end of March 1806 or the beginning of April, that he was appointed Barrack-Master General ?

A. I believe he was appointed Deputy Barrack-Master General, and placed upon half-pay immediately afterwards.

Q. Do

Q. Do you know how soon afterwards he was placed upon the half-pay?

A. I cannot from my recollection at this moment ascertain the dates, but they are very easily ascertained; a reference to the army list; or the documents in the office, or the Gazette, would ascertain it in a moment.

Q. Are there documents in your office that would ascertain it?

A. Yes, there are.

The Chancellor of the Exchequer. **Q.** State any thing you know to the Committee respecting the applications that were made for Colonel Shaw's situation?

A. With the permission of the House, I will read all the documents in my possession with respect to the appointment of Major Shaw, Lieutenant-Colonel Shaw. The first document is a letter from Lieutenant-General Burrard to me, dated August the 11th, 1804; it is not dated where from, but it was most likely from the Orderly-room in the Guards.

[Colonel Gordon read the letter.]

" Dear Sir,

" Aug. 11th 1804."

" I am so much employed on a Board of Clothing, that I cannot do myself the pleasure of waiting upon you. The enclosed will inform you of the situation of a friend of mine, whom I wish much to serve. If Col. Clinton is in London, he can tell you exactly how he stands; as can Col. Loraine.

" If you can put me in the way of serving him, I shall be extremely obliged to you. He has served long, always abroad, and very gallantly, and his Father was a brother captain and friend many years back. I request you to excuse the liberty I take and trouble I give you, and believe me truly,

" Your most obedient

" Lt. Col. Gordon, &c. &c. &c."

HARRY BURRARD."

The next document is my answer to that letter.

" Dear General,

" Horse Guards, 16th August 1804."

" I fear that your wishes in behalf of Major Shaw cannot be complied with, His Royal Highness being of opinion, that he must join his regiment before any further recommendation in his favour can be attended to.

(Signed)

" Yours, &c.

" M. Gen. Burrard, &c. &c. &c."

" J. W. GORDON."

The next document is Sir Harry Burrard's to me, August the 27th.

" My Dear Sir, " August 27th, 1804."
" I shall be obliged to you if you will let me know whether Clinton has spoken to you about Major Shaw; and if you think he may be likely to see the Commander in Chief to morrow. He has found a Major of the 39th eager to go to Ceylon, but he is himself preparing as fast as he can, however distressing it is to him.
" I am truly yours,
" H. BURRARD."

The next is my answer to that letter.

" Dear General, " Horse-Guards, 28th August 1804,"
" Clinton spoke to me with much warmth about Major Shaw, but having twice mentioned his name and wishes to the Commander in Chief, I cannot again venture to do it.
" I recommended Major Shaw to speak to his Royal Highness, and state his situation.
" Yours,
" M. Gen. Burrard, &c. &c. &c. J. W. GORDON."

The next letter that appears upon this subject is from Sir Harry Burrard to me, on the 27th of March 1805.

Put by.

" Private and confidential."

" My dear Sir, " March 27th, 1805."
" My friend Shaw's health is by no means re-established, and his family still in extreme distress from their recent losses and misfortune. I could therefore wish his leave to be extended for two months, and I am sure it would prevent infinite distress to him. If you can manage it for me, I shall be extremely obliged to you.
" I have heard it whispered, that it was possible rank could be obtained by raising men. If it is so, and this could be allowed him, it would most materially serve him, and do away the mortification I am afraid my want of skill has occasioned; and I should not have to reproach myself at any rate with want of success.
" I am afraid his leave will be soon out, and his anxiety will, of course, be great. Pray excuse the trouble I give you, and be assured that nothing can afford me more pleasure than serving you, as I really am
" Your obliged humble servant,
" HARRY BURRARD."

The

The next is my answer to that letter, dated the 28th of March.

"Dear General, Horse Guards, 28th March 1805."

"His Royal Highness has much pleasure in complying with your request for a prolongation of leave of absence for Major Shaw; which leave has been extended for two months, from the expiration of his present leave, and the same has been notified to the Adjutant-General."

"At the same time, it is but just to hint to Major Shaw, that there is a duty to the service, to which the Commander in Chief, however anxious His Royal Highness may be to relieve the distresses of individuals, must give attention; and, if the circumstances of Major Shaw are such as to preclude him from joining on so remote a service, he should retire upon the half-pay until some more favourable opportunity."

"Ever Yours, &c."

"J. W. GORDON."

"P. S. There is no intention at present on the part of Government to raise men for rank in the Infantry."

"Lt. General Burrard, &c. &c. &c."

The next is from General Burrard to me on the 10th of May following.

"C. B.—Speak to me."

"My Dear Sir,

"May 10th 1805."

"I cannot sufficiently acknowledge, in General Archer's name and my own, how much we feel obligation to His Royal Highness; I sincerely hope Archer will have opportunity of evincing his gratitude and zeal."

"Since I spoke to you concerning Major Shaw, he has called upon me to inform me that he cannot, conditionally *not to pay if he does not proceed to India*, get a passage secured, and that the Captains require four hundred pounds. Now, as he is led to have some hopes still, that an opportunity may offer to promote him, from what His Royal Highness so graciously said, he feels a reluctance to sink so large a sum, if there is a possibility to avoid it. If you could, therefore, soon again recal him to the Duke, he would abide by whatever was the determination of His Royal Highness."

"Excuse my troubling you, and believe me truly

"Your faithful and obliged humble servant,

"Lt. Col. Gordon."

"HARRY BURRARD."

The next is my answer to that letter.

"Dear General,

"Horse-Guard, 13th May 1805."

"I have laid your letter of the 10th instant before the Commander
"in

" in Chief, and am directed to acquaint you, that His Royal
" Highness sees no prospect of any early opportunity of com-
" plying with Major Shaw's wishes ; and that, therefore, it is
" advisable he should proceed to join his regiment by the ear-
" liest conveyance.

" Lt. Gen. H. Burrard," &c. &c. &c.

" I have, &c.

" J. W. GORDON."

The next that I hold in my hand is March 1806, from
Sir Harry Burrard to me,

" (Confidential)" -

" My dear Gordon,

" March 26, 06."

" I hope you will pardon the anxiety of a soldier to get promotion ;
" and of his friend, and the very ancient one of his old father,
" to assist him in it, particularly as he is well assured of his
" real and general worth. Under this presumption I inclose a
" letter from Major Shaw, with my earnest hopes that should
" any thing turn up, in which you can bring his name for-
" ward, that he may not be forgotten. I enclose it for your
" private reading, and request at your leisure you will return
" it. I will at any time attend you, to prevent you the trou-
" ble of writing, or rather the time of it, for I know the for-
" mer you do not mind. Your messenger knows where
" to find me, as I am at this Orderly Room for two or three
" hours-most days.

" I am truly yours, with great regard,

" HARRY BURRARD."

(Indorsed)

" Mr. D.—I shall be glad to speak to Gen. Burrard this even-
" ing if possible, if not, about two to-morrow."

The inclosed is from Major Shaw to Sir Harry Bur-
rard, dated Pevensey Barracks, 19th March 1806.

(Inclosure.)

" My dear Sir,

" Pevensey Barracks, 19th March 1806."

" I fear that you must think me presuming on your many kind-
" nesses in again troubling you, and, being without apology,
" I must rely entirely on your goodness. In making, how-
" ever, my present request, let me beg that, if attended with
" any circumstances unpleasant to you, that you bestow no
" further consideration, than pardoning the liberty of my hav-
" ing made it.

" I shall premise with stating, that previously to my removal from
" the Ceylon regiment, His Royal Highness had been gra-
" ciously pleased to promise me promotion, on a favourable
" opportunity offering ; and on my joining the 40th regiment,
" I repeated my desire of purchasing, to which I now stand
" noted

" noted by a letter from Colonel Gordon Having had further
" assurances given to me of His Royal Highness's favourable
" intentions, in the admission of my services, being now nearly
" twenty three years in His Majesty's Army, that my cotem-
" poraries are generally Colonels or old Lieutenant Colonels,
" and that I experienced the mortification of being purchased
" over by an officer from another regiment, and by many years
" my junior in the profession; from these circumstances, I am
" induced to hope, that should Colonel Gordon favour me
" by bringing my case to His Royal Highness's notice, that I
" might benefit by some mark of favour in the military ar-
" rangements that are expected to take place. It is in this ex-
" pectation that I venture to trouble you, and I shall feel my-
" self sincerely obliged by your mentioning to Colonel Gordon
" (should a desirable opportunity offer) my services, disap-
" pointments, and present hopes, and I shall esteem it a par-
" ticular favour his bringing my case at this period to His
" Royal Highness's remembrance.
" I shall no longer trespass on your time, but in offering my best
" respects to Mrs. Burrard. I remain with sincere gratitude,

" My dear Sir,

" Yours most faithfully, and much obliged

" J. SHAW."

The next letter is one from General Burrard, March
29th, 1806.

" (Private)" "

" My dear Sir,

" March 29th 06."

" To shorten the business, I send you Shaw's letter, which is no-
" thing more than to say, that he gratefully will accept, if the
" Deputy Barrack-Mastercy at the Cape can be obtained,
" with the rank of Lieut. Colonel, and go there in three weeks.
" I explained that; and also, that (if it could be obtained)
" he would be put on half-pay as soon as it could be done.
" His request is to come to London immediately, if he can
" succeed."

I am truly

" Your obliged servant,

" Pray return the letter."

" H. BURRARD."

" Lt. Col. Gordon."

(Indorsed)

" C. L. — " The Appointment is now to go on,"

I did not return the letter, and I now have it in my
hand; it is a letter from Colonel Shaw to General
Burrard.

(Inclosure.)

(Inclosure.)

" My dear Sir, " Devonsey Barracks, 28th March, 1806.

" I am just honoured with your letter, and I trust you will believe
" that I feel, though I shall not attempt to express my gra-
" titude, for your present and many kindnesses towards me,
" and I can only add, that my sense of obligation can alone
" cease with my existence.

" I have, as far as the present time allowed, given every consid-
" eration to the proposal you have made me, and should
" conceive myself most fortunate in succeeding to it, and
" should be ready to proceed in the time you mention. I
" have only to request, that should the decision prove favour-
" able, that I might be permitted an immediate leave of ab-
" sence, as I should have a great deal to arrange in regard to
" my family. It would be my wish, could I procure an ac-
" commodation, to take my wife and two of my children out
" with me, and to leave the others in this country.

" As our warning for the post is very short, I must conclude,
" begging my best respects to Mrs. Burrard, and that you will
" believe me, with every sentiment of sincere gratitude,
" Your most sincerely and faithfully,

" Gen. Burrard."

" J. SHAW."

The mark I put upon this letter was, " the appointment is now to go on;" it did go on, he was appointed Deputy Barrack-Master-General at the Cape, with the rank of Lieutenant-Colonel, and, as soon as possible, was put upon half-pay. I have further to state to the Committee, that when this subject was mentioned in the House some evenings ago, I sent to Sir Harry Burrard, to request he would bring to his recollection all the circumstances that took place upon the subject of Shaw's appointment. Sir Harry Burrard waited upon me on the 30th of January last, and put these papers into my hands.

Here Colonel Gordon read two letters, and concluded with saying, " I have now told the Committee all I know upon that subject."

The witness was ordered to withdraw.

Mr. ADAM wished the witness should be asked to prove the hand writing of Sir H. Burrard.

The CHANCELLOR of the EXCHEQUER did not however consider this the proper mode of proceeding.

ing. He thought the letters should have been read, and then, if any material circumstance had arisen out of them, that Sir H. Burrard himself might be called to the Bar and examined—as it was, the letters were not evidence.

Witness again called in.

Mr. Wardle. Q. In the first letter that you have read, Colonel Shaw refers to some promises made him of promotion by His Royal Highness the Commander-in-Chief; do you know what those promises were?

A. I cannot state exactly that I do know, but I supposed them to have been the usual answers given to officers who make application for promotion, that their names were noted, and would be considered with the names of other officers of equal pretensions, when future opportunities offered.

Q. You do not know of any other promise which Major Shaw had received.—A. No, I do not.

Q. Is it usual for field officers on the staff to be put on half-pay?

A. When a field officer accepts a staff appointment abroad, a permanent staff appointment, it is usual for him to be placed upon the half-pay; it is the general rule of the army: there are exceptions, which I can explain when called upon.

Sir G. Warrender. Q. State the exceptions?

A. The best way for me to state the exceptions would be to read to the Committee a list of all the permanent staff-situations, and to state all that are upon half-pay and who are not, and why.

Q. Was the officer who held the appointment before Major Shaw, on half-pay or full-pay?

A. If I recollect right, Major Shaw was the first person who held it; he was appointed upon the capture of the colony of the Cape of Good Hope.

[Colonel Gordon delivered in a list of the staff officers on foreign stations.]

EAST INDIES; The Adjutant General, Lieutenant Colonel Sir W. Keir, upon the half pay:—the Deputy Adjutant General is Lieutenant

tenant Colonel Campbell, of the 33d regiment; he is not placed upon the half-pay, because his regiment is upon the station:—Quarter-master General, Colonel Eden, of the 84th regiment; the regiment is serving upon the station; he is not placed upon the half-pay;—the Deputy Quarter-master General, Major Johnson, of the 77th regiment; that is an exception; the regiment is now returned to England.—At Ceylon, the Deputy Adjutant General, Lieutenant Colonel Brownrigg; his regiment is serving upon the station:—Deputy Quarter-master General, Major Wilson; his regiment is serving upon the station.—The CAPE of GOOD HOPE, Lieutenant Colonel Sorel, Deputy Adjutant General; on half pay:—Deputy Quarter-master General, Lieutenant Colonel Harcourt, on half pay:—Deputy Barrack-master General, Lieutenant Colonel Shaw, upon half-pay: those are the only three Staff Officers at the Cape.—The Island of MADEIRA; Deputy Adjutant General, Lieutenant Colonel Darling, on half-pay:—Deputy Quarter-master General, Major Austin; he is a Captain, with the brevet rank of Major; he is not upon half pay.—JAMAICA: Deputy Adjutant General, Lieutenant Colonel Horsford; his regiment is serving there with him:—Deputy Quarter-master General, Lieutenant Colonel Meyers; his regiment is serving in the West Indies.—WEST INDIES: Quarter-master and Barrack-master General, Brigadier General Gledstanes, on half-pay:—Deputy Quarter-master General, Lieutenant Colonel Gordon, on the half-pay:—The Adjutant General, Brigadier General Ramsay; his regiment is serving there:—The Deputy, Lieutenant Colonel Campbell of the 54th regiment; his regiment is serving there.—CANADA: Adjutant General, Lieutenant Colonel Baynes of the Nova Scotia Fencibles; his regiment is serving there:—Deputy Lieutenant Colonel Chabot on half-pay:—Quarter-master General Lieutenant Colonel Kempt of the 81st regiment; it is not intended to put this officer upon the half-pay: this officer served with the late Sir Ralph Abercrombie in all his campaigns; he succeeded, on the death of Sir Ralph Abercrombie, to be confidential Secretary and Aid-de-Camp to Lord Hutchinson; he afterwards served with Sir John Moore; he had the honour to command the Light Infantry in the battle of Maida; he was honourably mentioned in the General's Dispatch, and contributed as much as any officer to the defeat of the enemy on that day; he will be specially exempted from this rule: The Deputy Quarter-master General is Lieutenant Colonel Pye. I beg to state to the House he is a near relation of mine; but he is on the half-pay.—NOVA SCOTIA: Deputy Adjutant-General, Major Bowyer; he is excepted; he is the son of the late General Bowyer, the eldest Captain in the 59th regiment, and has been ordered to join his regiment: the Deputy Quarter-master General is Lieutenant Colonel Tinling, of the 1st Guards; he is a Lieutenant in the Guards, not a Regimental Field Officer.—MALTA: the Deputy Adjutant General is Lieutenant Colonel Sewell, of the 48th regiment; his regiment is serving in the Mediterranean:—Deputy Quarter-master General, Lieutenant Colonel Phillips of the 44th regiment; his regiment is serving in the Mediterranean.—SICILY: Adjutant General, Major General Campbell; a General Officer; it is not usual to place upon the half-pay: the Deputy

puty ditto, Lieutenant Colonel Airey, 8th foot: this officer also has been specially excepted: and it is not intended to put him upon the half-pay: he has been confidential Secretary and Aid-de-Camp to General Fox, and General Mackenzie Frazer; and is one of the oldest and most meritorious officers in the army:—The Quarter-master General is Lieutenant Colonel Bunbury: this officer also distinguished himself in the battle of Maida; was specially mentioned in the General's dispatch; and it is not intended to place him upon half-pay.

Sir George Warrender. Q. How many of these officers holding staff situations, who are upon half-pay now, were on half-pay previous to and at the time they were appointed to those staff situations?

A. Speaking to the best of my knowledge, I believe when they were appointed to their staff situations, they were every one, without exception, on full pay.

General Fitzpatrick. Q. Was Sir William Keir upon full?—A. Sir William Keir was not.

Q. You have stated that the two other staff officers at the Cape are Lieutenant-Colonel Sorel and Lieutenant-Colonel Harcourt; were either of those officers upon half-pay when they received their appointments?

A. No, they were not, they were put upon half-pay since; the paper I gave in will state it exactly; and I do believe, with the exception of Sir William Keir, they were all upon full-pay; there may be one or two exceptions.

Q. Does Sir William Keir receive his half-pay?

A. That is a financial question that I can only answer as matter of general information; I believe he does not, as he has applied for it, and I believe he does not receive it.

Mr. Abercrombie. Q. Am I correct in supposing that Colonel Kempt was appointed Quartermaster General in Canada, on the commendation of Sir James Craig; Colonel Kempt being at that time in Sicily?

A. Yes, he was; Colonel Kempt had no notion of his appointment until it was intimated to him.

Q. Am I correct in supposing that Colonel Kempt would have declined that situation, if it had interfered with his situation as Lieutenant-Colonel of the 81st regiment?

A. I am quite positive of it, for he repeatedly assured me so,

Q. Is

Q. Is the Deputy Quartermaster General in Sicily on full pay, or does he receive any other pay than that of his staff situation?—**A.** I do not know that he does; I believe that he receives merely the pay for his staff situation, and will be placed upon the half-pay in addition to that as soon as an opportunity can be found; but at present he is aggrieved by not even having the half-pay; that is Lieutenant-Colonel Campbell.

Lord Folkstone. **Q.** Have the staff-officers whom you mention as being on half-pay, been on half-pay ever since they held those staff situations?

A. I believe I have stated to the House, that to the best of my recollection they were all upon full-pay when they were appointed, and were placed upon half-pay as soon as possible afterwards.

Q. Immediately upon their receiving their staff appointments they were placed upon half-pay?

A. As soon as possible afterwards; the Commander in Chief has it not in his power to place an officer upon half-pay whenever he pleases, there must be a vacancy on the half-pay establishment.

Q. I understood you to say that an officer of the name of Bowyer in the West Indies, was on the full-pay, holding a staff appointment: what staff appointment does he hold?

A. I said that Major Bowyer was Deputy Adjutant General in the West Indies, and he is the eldest captain of the 59th regiment, he has been ordered to join his regiment, or he will be placed upon the half-pay.

Q. What regiment did Colonel Shaw belong to before he received his staff appointment?

A. Colonel Shaw exchanged from one or two, but I believe it is the 40th regiment.

Q. Did General Burrard command a battalion of the guards at that time?

A. He commanded the brigade of guards in London.

Q. Did you state those documents which you read to be all the documents respecting the appointment of Major Shaw?—**A.** They are all that I know of, in my present recollection.

Q. All those that are in the office?

A. Upon my word I believe so.

Q. Is it customary to appoint an officer to any staff appointment

appointment or any advantageous situation, without inquiring of the officer commanding the regiment to whom he belongs, what has been the conduct of that officer?

A. That is the general mode to apply to the officer commanding the regiment; but Major Shaw had not been in the 40th regiment six months, if my recollection serves me right, and General Burrard states that he knew him from a boy.

Q. Is it not customary to apply to the general officer, who is colonel of the regiment, in such cases?

A. No, I cannot say that it is; the Colonel of the regiment, not being with his regiment, he is very often not so good a judge of the merits of the officer as the officer actually in the command of it, or many other officers with whom the individual may have previously served.

Q. In point of fact, no application in this case was made to any person but General Burrard?

A. General Burrard mentions in his letter that he had Sir James Craig for his friend, and I have endeavoured to bring to my recollection whether Sir James Craig had ever spoken to me about Shaw; I cannot bring to my recollection that he did, but it is possible that he might.

Q. Had Colonel Shaw ever served under Sir James Craig?

A. I really know no more of it than exactly what Sir Harry Burrard states in his letter; it is most likely he had, for he had served a great deal in India, and it is probable that in India he had obtained the patronage of Sir James Craig.

General Loftus. *Q.* Do you know Colonel Meyrick Shaw?

A. There is a Colonel Shaw who has just been removed into the 76th regiment, I believe his name is Meyrick Shaw.

Mr. Wardle. *Q.* Do you recollect his being confidential secretary to Lord Wellesley in India, then a major?

A. I rather think that he did hold some appointment under Lord Wellesley, as Lord Wellesley has more than once

once recommended him to the notice of the Commander in Chief.

Q. Do you recollect, that in consequence of his purchasing the Lieutenant Colonelcy of a regiment not in India, he was put upon half-pay?

A. Yes, I think I recollect that perfectly, that he purchased the Lieutenant Colonelcy of the 31st regiment.

[The witness was directed to Withdraw.

The CHANCELLOR of the EXCHEQUER objected to the question; he could not see its bearing on the case in point; the enquiry was not Whether the regulation of the army should be altered; and he could see no necessity for putting questions on that point, which must prove unpleasant to the feelings of the witness.

To this reasoning Mr. WHITBREAD objected. Colonel Gordon had, on a former night, stated the general rules of the army, he thought, therefore, that any question which went to discover whether these rules were adhered to was in order and strictly proper. If individual cases of promotion occurred, it was proper to see that there was no doubt of the services which caused such promotion: this was, he contended, a case in point, and the question went to shew, that Colonel Shawe had been appointed in opposition to the rules which Colonel Gordon had laid down. He was well aware, and felt deeply the painfulness of the task, but still the duty was paramount to any feeling whatever.

The CHANCELLOR of the EXCHEQUER perceived there was a perfect agreement as to the line to be pursued; the difference arose from a misconception of fact. The honourable gentleman had assumed, that Colonel Shawe had been appointed contrary to rule, which was not the case; Colonel Gordon had not declared any such thing, consequently there was no necessity for the present question. It would be

be best to begin by asking, If the appointment was not of the usual mode? and then the services of Colonel Shawe might be inquired into.

Mr. WARDLE professed himself satisfied with this suggestion; but if Colonel M. Shawe had been under many officers over whom he was at present placed, he then thought the question fair.

The CHANCELLOR of the EXCHEQUER said, the only difference between them was the confounding of services and inferiority of rank.

[The witness was again called in]

Mr. Wardle. Q. Was there any deviation from the ordinary practice of the army in the appointment of Colonel Meyrick Shaw to the lieutenant colonelcy of the 76th regiment?

A. None whatever, it was the constant practice; I stated I believe in my evidence some nights ago, that it was the rule of the army that a junior officer should not be placed over the head of a senior officer of the same rank, that is, the junior major of one regiment should not be put over the head of the senior major in another; but Lieutenant Colonel Shaw was a lieutenant colonel, and he was placed on the lieutenant colonel's vacancy over the head of the major; that is the constant practice of the army, there has been no deviation whatever in it.

Q. Do you know what recommendation Mr. Samuel Carter had for his ensigncy in the 16th regiment?

A. Yes, I do.

Honourable Mr. Wellesley Pole. Q. What is the date of Major Covell's commission as major in the army.

A. August 1807.

Q. From what date does Lieutenant-Colonel Shaw take rank as lieutenant-colonel in the army?

A. I should think he has been a lieutenant-colonel rather better than three years, I have no document by me that will state that accurately.

Mr. J. Smith. Q. Do you know that Colonel Meyrick Shaw was a great many years a commissioned officer

cer in the East India Company's service, before he came into his Majesty's regular service?

A. I do not know it from my own knowledge, I have heard the very best character of Colonel Shaw, from various officers.

Q. Do you know whether he was removed to the half-pay without receiving a difference?

A. I believe he was.

Q. Is it not a regulation, or at least understood, that whenever an officer is placed upon half-pay without receiving a difference, government is in some degree pledged to place him upon full pay as soon as a favourable opportunity offers?

A. The Commander in Chief has invariably been governed by that rule.

Secretary at War. Q. Do you know whether I took a particular interest in Lieutenant-Colonel Sorel?

A. With the greatest deference to the Right Honourable Gentleman who put that question, I may say that he importuned me upon it.

Q. Did I importune you to solicit his Royal Highness to keep that officer upon full pay, as long as he could with propriety be kept in that situation?

A. Yes, certainly.

[The Witness was directed to withdraw.]

Colonel Wood objected to the question; it was within that line of examination against which the Committee had already decided. He understood that no case should be gone into except where the regulations of the army had been broken into. If questions such as these were to be admitted, there would be no boundaries. To inquire into cases of promotion, where the rules of the army had not been infringed, would be to trench upon the prerogative of the Crown, in which was exclusively vested the power of granting commissions in the army.

Mr. S. BOURNE observed, that the honourable member

member opposite* had been stopped from going into other matter, in order that some questions might be put to the witness relative to Colonel Meyrick Shaw. He put it then to the honourable member, whether he would travel into other cases, until that immediately under consideration had been disposed of.

Mr. J. SMITH stated the object of his question to be to impeach the evidence of the witness at the Bar, for whom, however, he felt a high respect. The witness had stated that the settled regulations of the army had never been broken into. He was not afraid to state that the contrary was the case; and it was to shew this that he had put the question to the witness.

Mr. S. BOURNE would not object to the question, if it were put with any view of impeaching any testimony given at the Bar.

Sir GEORGE WARRENDER, did not approve of the course of examination which had been pursued, yet considered this question as proper as those which had immediately before been put, relative to Colonel Meyrick Shaw.

Mr. W. POLE informed the Committee, that the object of his question was to put the Committee in possession of a fact of which it seemed not to have been aware, that Colonel Shaw had been a lieutenant-colonel some years before Major Cogan was a major.

Mr. YORKE here observed, that the inquiry concerning Samuel Carter had been stopped, in order to proceed with the case of Colonel Shaw; but, if it was contended that the regulations of the army had been broken in upon, he was of opinion that the question should be put.

General LOFTUS recollected the evidence which

* Mr. Wardle.

had

had been given by the witness on a former night, and he was convinced that it could not be impeached. He had not said that the rules of the army were never departed from, but not generally, and except in special instances.

[The witness was again called in.]

Mr. J. Smith. Q. Do you know Captain Brunker, who either is, or lately was paymaster of the 5th dragoon guards?

A. I cannot say that I have that pleasure.

Q. Do you not know that that officer, who is a very meritorious officer, was formerly a private in that regiment?

A. I have already said, that I have not the pleasure of knowing him at all.

Q. Do you know Mrs. Clarke?

A. I never had the pleasure of seeing Mrs. Clarke till I saw her at the Bar of this House two evenings ago.

Mr. George Johnstone. Q. In the series of correspondence which you have read between General Burrard and yourself; there is a letter sometime towards the 28th of March, wherein General Burrard, in the most earnest manner, renews his solicitation on behalf of Major Shaw, and a note is made upon that, desiring to see General Burrard that evening, or early next morning; did you see General Burrard in consequence of that desire so expressed?

A. I think it is most certain that I saw him, for his next letter contains an answer to something I must have said to him.

Q. On that occasion did you suggest to General Burrard, that this appointment of barrack-master at the Cape of Good Hope was vacant, or about to be so?

A. I cannot state positively that I did not, I think it most likely that I did.

Q. Had you ever any conversation with the Commander in Chief upon that subject, and had he (the Commander in Chief) ever expressed any earnest desire to provide for Major Shaw?

A. I do not recollect that the Commander in Chief expressed

expressed any desire at all, but I certainly must have had some communication with him, or I never could have ventured of myself to have made such a proposal to Sir Harry Burrard.

Q. Did the Commander in Chief ever speak to you upon the subject of Major Shaw, except when you, in the course of your official duty, made representations to the Commander in Chief respecting Major Shaw?

A. I do not recollect that he ever did, but I beg leave to state, that it is pressing my recollection a little hard, considering that there are eleven or twelve thousand officers of the army, all of whom, or their friends, either correspond with or address me.

Hon. Mr. Lumbe. Q. Did you ever hear of Mrs. Clarke's selling, or pretending to sell commissions in the army, before it became the subject of discussion in this House?

A. Never, but through the medium of the numerous libels that have been lately published against the Commander in Chief.

Q. Did you ever set on foot any inquiry into the truth of those statements?

A. I have already stated to the House, that in the autumn of 1804, I had understood that numerous abuses of this kind existed, and I did set on foot every inquiry that it was possible for me to do; I ascertained that those abuses were practised, and in a letter that is now before the House, cautioned the officers of the army against such practices; even subsequent to that letter, I had proof that such abuses did exist, and I obtained the opinion of eminent counsel, and they assured me it was not even a misdemeanour, and that I could have no redress; upon that I represented the circumstance to the then Secretary at War, as I have already I believe stated in evidence to this House, and a clause was inserted in the Mutiny Act, to impose a fine upon it.

Q. From what source did you receive your intelligence of the existence of those abuses?

A. I rather think that the source was anonymous; but upon inquiry I found that the account was true, and I traced it to Mr. Froome, an army broker, and a Mr. Hebden, I believe a clothier in Parliament-street.

sent

sent for Mr. Froome; Mr. Froome told me that he had received this money; I think it was nearly a thousand pounds for the Paymastership of one of the battalions of the German Legion: I think I am speaking now from recollection; that he told me also that he had only received a per-centage upon the money, and paid the money to other hands: after repeatedly pressing him, I think he named Mr. Hebden, the army clothier. I sent for Mr. Hebden, and after some conversation, I must state to the House that I was not a little surprised at the impudence of that gentleman, who told me positively that he received the money, and would tell me no more about it; that is the proof to which I alluded.

Q. The name of Mrs. Clarke was never mentioned to you as a party to this or any other similar transaction?

A. Most certainly not.

Mr. Dickenson. *Q.* Did you ever disclose to the Duke of York the circumstance of Mr. Hebden and Mr. Froome?

A. Yes, I did indeed, and to many other people, and took the opinion of Lawyers upon it; which opinion I believe, and all the documents upon it, I can, if necessary, lay before this House.

Q. What was the Duke's answer?

A. The Duke desired me to scrutinize it to the bottom, and, let it fall upon whom it might, he would make an example of them.

Mr. Wurdle. *Q.* Since this transaction, do you know that Mr. Froome has been employed by Mr. Greenwood?

A. No, I do not know it.

Mr. Adam. *Q.* You delivered in a paper from Messrs. Greenwood and Cox, relative to the exchange between Lieut. Colonel Knight and Lieut. Colonel Brooke, some of which you stated to have been written in the original in pencil; how did that happen?

A. As this paper is printed, it is incomprehensible almost to me; when this paper was laid before the Commander in Chief, I received his pleasure upon it, and I marked upon it this pencil remark "C. L." (Colonel Housine) "cannot be acceded to; His Royal Highness does not approve of the exchange proposed." Subsequently to that, inquiries were made as to the services of
Lieutenant

Lieutenant Colonel Brooke, on whose account it was that the exchange was not acceded to. The result of these inquiries was such as to induce me to lay the papers before the Commander in Chief again; and this second pencil remark is the result of the second representation I made to the Commander in Chief.

Q. Is it usual to make your remarks in pencil?

A. Sometimes in pencil, sometimes in ink.

Mr. Whitbread. **Q.** Were you acquainted with Mr. Froome, or knew any thing of his situation in life previous to the interview you had with him on the subject of this commission?

A. I knew him as a reputed Army Broker to a great extent, and one of a description of persons with whom I declared open war the moment I came to the Commander in Chief.

Q. In consequence of the transaction stated by you, were any steps taken to prevent his transacting that agency business for the army?

A. I do not understand that he ever was authorized to transact business for the army, but he transacted it in spite of every thing I could do; he was an army broker, not an agent.

The Chancellor of the Exchequer. **Q.** Was it not in consequence of information which you obtained upon this subject, that those circular letters were written, and the clause in the Mutiny act submitted to Parliament?

A. The circular letter was written in consequence of the information I had obtained prior to the fact with which I have now acquainted the House; the clause in the Mutiny Act was brought into this House subsequent to that, and because I found that I had no redress.

Mr. Wardle. **Q.** Was there ever any entry made of Colonel Knight's exchange not being approved by the Commander in Chief?

A. Certainly there was, and sent either to Colonel Knight or Colonel Brooke. I had the letter in my hand the first time I gave evidence before the House.

Q. Through what recommendation in your office did Mr. Samuel Carter receive his Ensigncy in the 16th Foot?

A. Lieutenant Sutton of the Royal Artillery, Royal

“ Royal Laboratory, Woolwich,
“ December 7th, 1801.”

“ May it please Your Royal Highness,
“ The kindness that Your Highness has at all times most graciously
“ bestowed on me, emboldens me to address you in behalf of
“ an orphan lad, nearly sixteen years of age, of the name of
“ Samuel Carter (whose father lost his life in the service, and
“ whom I have brought up and educated,) in hopes that Your
“ Highness will be graciously pleased to appoint him to an
“ Ensigncy; a favour that I should not presume to ask but
“ on the score of my long service and sufferings in his Majesty’s service; which I hope and humbly trust your Royal
“ Highness will take into your gracious consideration, who
“ am, with all due submission and respect,

“ Your Royal Highness’s

“ most faithful and obedient,

“ humble servant,

“ THOS SUTTON,

“ Lieut Royal Artillery.”

(Indorsed.)

“ Lt. Col. L.” — “ From present circumstances, it is not in the
“ Commander in Chief’s power to recommend any person for a com-
“ mission; but the person mentioned will be noted to be provided for
“ at a future opportunity. J. C.”

Q. Do you recollect when he was appointed?

A. Here is Lieutenant Sutton’s answer to the notification, which will state it exactly.

“ Lieut. Sutton, presents his most respectful compliments to
“ Colonel Clinton, to acknowledge the honour of his note of
“ the 21st inst. and begs to express how gratefully he feels the
“ appointment His Royal Highness the Commander in Chief
“ has been pleased to confer on Mr. Samuel Carter.”

“ London, March 29th, 1804.”

“ Colonel Clinton, &c. &c.”

The appointment must have taken place there or thereabouts.

Q. Do you know whether Lieutenant Colonel Sutton is dead?

A. Until I looked into these papers, I did not know that such a man existed; I have heard that he is dead.

General Loftus. Q. Are not candidates for Ensigncies frequently on His Royal Highness’s list for two or three years before they can be appointed?

A. That depends upon the period; at the period of
1801,

1801, the reduction of the army, and the period of peace, it was absolutely impossible to appoint him, as the answer states; the answer is in substance upon the body of the letter, but here it is in length.

"Sir,

"Horse-Guards, 8 Dec. 1801."

"I have received the Commander in Chief's commands to acquaint you, in answer to your letter of yesterday's date, that from present circumstances it is not in the Commander in Chief's power to recommend any person for a commission; but His Royal Highness has directed Mr. Samuel Carter's name to be noted, to be provided for at a future opportunity.

"I am, &c,

"ROB. BROWNRIGG."

"Lieut. Tho. Sutton, Royal Artillery,
"Royal Laboratory, Woolwich."

I should imagine the circumstances alluded to were the reduction of the army.

Q. Have not you recently known instances of candidates, respecting whom there was no disqualification, where they have frequently remained two or three years before they were appointed?

A. Certainly; I dare say there are a hundred upon the Duke's books at this moment, or two.

Q. Is there any subsequent recommendation of Mr. Carter?

A. I have no other document whatever on the subject.

Q. When a recommendation is once in, is it necessary for a subsequent recommendation to come when that candidate is noted upon the list?

A. The usual practice is, when a person sends in a Memorial, he follows it up by himself and his friends repeatedly, and commonly in person.

Lord Folkstone. Q. Do you know the date of Mr. Carter's commission?

A. I cannot say that I know the date, but it must have been between the 17th and 21st of March 1804.

Q. In the affair of the exchange between Colonel Brooke and Colonel Knight, had not Colonel Knight previously made an application to be allowed to exchange with Colonel Pleydell?—A. Yes, he had.

Q. Was that objected to?—A. Yes, it was.

Q. Are

Q. Are the documents upon that subject now in the office?—A. I rather think they are.

Q. Did you ever hear of a person of the name of Hector Stray, an Ensign in the 54th Regiment of Foot?

A. To the best of my recollection, I never heard his name mentioned before.

Q. Have you with you any means of ascertaining whether there is such a person?

A. I have not with me, but I can ascertain it by eleven o'clock to-morrow morning.

Q. You stated, on a former examination, that you had frequently been in the West Indies; were you not born in the West Indies?

A. I was not, I have the honour of being a Welshman.

Mr. Alderman Combe. Q. To your knowledge, did Mr. Hebden, who received the one thousand pounds, for the paymastership, ever obtain that paymastership?

A. The paymastership was certainly obtained, and that struck me very forcibly when I made the inquiries.

Q. Is it competent to you in your official situation to produce the document of that appointment?

A. I can produce them; it will give me great satisfaction if the Committee will do me the honour to go into them.

Secretary at War. Q. At whose recommendations are paymasterships bestowed?

A. The colonels of the regiments, through the Secretary at War.

Q. Has the Commander in Chief any concern with the recommendation for these appointments?

A. None whatever, except the submitting them to his Majesty.

Q. Is it a matter of course for the Commander in Chief to submit to his Majesty those recommendations for paymasterships, which are approved by the Secretary at War?

A. It is quite a matter of course, when approved of by the Colonels of the regiments and the Secretary at War.

Q. Does the recommendation of the paymaster on all occasions originate with the Colonel of the regiment, or does the Secretary at War appoint?

A. I understand the practice to be, that the recommendation is with the Colonel of the regiment, and it

it is submitted to the Secretary at War, whose duty it is to take care that the securities are good.

Mr. Dickenson. Q. Who was the Colonel who recommended the paymaster, in the case of Hebden, to the paymastership.

A. I really do not know who the Colonel of the battalion was; it of course came through the head of the German legion, the Duke of Cambridge.

Q. Who was the Secretary at War at that time?

A. I rather think it was General Fitzpatrick, I will not be quite sure.

Q. Is there not an express regulation, that paymaster-ships cannot be sold?

A. I understand it to be so decidedly.

Q. Do you happen personally to know Lieutenant Carter?

A. No I do not, to my knowledge I never saw him.

Q. Do you know from any correspondence that, although he was, as was expressed, upon his recommendation, a poor orphan, he had had a sufficient education to qualify him for an ensigncy, being the son of a soldier who was killed in the service?

A. Until his name was mentioned here last night, I never heard his name mentioned?

Mr. Ellison. Q. Who appoints the paymasters.

A. I have already stated, that the colonel of the regiment recommends the paymaster, the Secretary at War approves of the sureties, and in that shape they come transmitted to the Commander in Chief, who lays them as a matter of course before the King.

Q. In what year did the transaction you have alluded to, relative to Mr. Hebden, take place?

A. I really do not know, but this I know, that it was in consequence of the transaction that I was induced to speak to the Secretary at War to insert a clause in the Mutiny Act.

Q. Do you not recollect whether the transaction did not take place before the appointment of General Fitzpatrick as Secretary at war; whether that transaction could have ever come under his cognizance?

A. I really cannot take upon me to state the exact date, it must have been there or thereabouts, I cannot speak to the exact period.

[The

Q. Cannot you ascertain, by reference to your papers, whether it was before the month of February 1806?

A. I cannot, without reference to the Army List; the paymaster's name was Blunderstone, of one of the battalions of the German Legion.

[The Army List was then put into Colonel Gordon's hand.]

Secretary at War. **Q.** Do you not understand it to be a matter of course, that the Secretary at War should recommend any paymaster that is recommended to him by the Colonel of the regiment, provided he finds him to be a person fitted for the situation, and that he has proper security?

A. Quite a matter of course.

General Fitzpatrick. **Q.** Upon what ground do you say that the recommendation of the commanding officer of a regiment, for the paymaster, is received as a matter of course at the War-Office?

A. I am called upon to answer a question that in no shape belongs to the office which I superintend, but as matter of general information I understand, that when the Colonel of a regiment recommends a Paymaster to the Secretary at War, if the Secretary at War sees no objection to such recommendation, and his securities are good, then it is a matter of course that he recommends.

Colonel Barry. **Q.** In case the Secretary at War should disapprove of the securities, what is then the process?

A. I beg to repeat that I am answering questions in no way connected with my office, but as matter of general information I can state, the Secretary at War would then return it.

Q. Would not the Colonel then have another recommendation which might meet with approval?

A. Certainly.

[The witness was directed to withdraw.]

Lord G. L. GOWER now rose to order. The witness, agreeably to the mode pursued by the Committee, was bound to answer to matters only within his

his own knowledge. The witness had declared that he had no knowledge of the point to which the question of the Honourable Member referred, and his lordship thought therefore, that the question was not a proper one.

Colonel BARRY stated, that the point which he wished to ascertain by his question was, that the recommendation originated with the Colonel, and that the Secretary at War had only a negative upon it, but that in case such negative were exercised, the right of recommendation would still reside in the Colonel.

Lord G. L. GOWER remarked, that it was somewhat extraordinary to put questions respecting the practice at the Secretary at War's Office to a witness who stated himself to be unacquainted with it; whilst there were three or four Members in the House who had filled the Office of Secretary at War.

General LOFTUS. "As it had fallen to my lot, as having the command of a regiment, to appoint a Paymaster, I can give information to the Committee upon the subject. It behoves Colonels to be particularly cautious whom they appoint Paymasters, because, in case of any deficiency of security, the loss would ultimately fall upon the Colonels. When a person was recommended to me, he gave in his name to the Agent, who inquired into the securities, and if these were approved of, the recommendation was sent in to the Secretary at War, who forwarded it as a matter of course."

General PHIPPS corroborated the statement of the Honourable General.

General NORTON observed that these subjects had nothing to do with the charges against the Duke of York. [*Hear, hear.*]

No. XV.

Y y

General

General FITZPATRICK stated, that in case of a native regiment, the Secretary at War was bound to forward the recommendation of a Colonel as a matter of course ; but that, as it had been thought expedient to provide more checks, the Secretary at War was not obliged to accept the recommendations of the Colonels as a matter of course. In the short time that he had held that office, it had occurred that he was sometimes under the necessity of refusing such recommendations.

[The Witness was then called in, and no Gentleman having any further questions to put to him, he was ordered to withdraw.]

The **CHANCELLOR of the EXCHEQUER** said, that he had the witness called for the purpose of examining, touching some facts already in evidence, after the Honourable Gentleman should have closed his case. He had moved that Mrs. Clarke should also attend for a similar purpose with other witnesses; but if the Honourable Member wished, he had no objection to move that Mr. Nichols be called in.

[The Committee waited a short time for the appearance of the Witness, when it was found that he had not reached the House from his residence at Hampstead.]

Lord FOLKSTONE then, at the instigation of the Chancellor of the Exchequer, proceeded in the investigation of his charge relative to Major Turner.

[The Witness was again called in.]

Produce the documents respecting the resignation of Major Turner.

[Colonel Gordon delivered them in, and the following Papers were read :

“ Sir,

"Sir,

"Craig's Court, 5th Sept. 1808."

"We are directed by Lieutenant-General Cartwright, to enclose the resignation of Brevet-Major Turner, for the sale of his Troop in the 3d (or King's Own) Regiment of Dragoons, which we request you will be pleased to lay before Field-Marshal his Royal Highness the Commander in Chief, together with the recommendation of Lieutenant Sitwell to succeed thereto, the purchase money being satisfactorily settled, and no senior Lieutenant in the Regiment having signified an intention of purchasing.

"We have, &c.

"Greenwood, Cox & Co."

"Lieut.-Colonel Gordon, &c. &c. &c."

"Sir,

"Canterbury, 26th August, 1808."

"I beg you will be pleased to obtain for me his Majesty's consent to the sale of my Commission of Captain in the 3d or King's Own Regiment of Dragoons, which I purchased.

"In case his Majesty shall be graciously pleased to permit the same,

"I do declare and certify, upon the word and honour of an Officer and a Gentleman, that I have not demanded or accepted, neither will I demand or accept, directly or indirectly, at any time, or in any manner whatever, more than the sum of three thousand one hundred and fifty pounds, being the price limited and fixed by his Majesty's regulation, as the full value of the said Commission.

"I have the honour to be,

"Sir, Your most obedient humble Servant,

"Officer Commanding 3d or

"Whichcote Turner,

"King's Own Reg. of Drag."

"Capt."

"Sir,

"Canterbury, 26 August, 1808."

"I beg you will be pleased to obtain for me his Majesty's permission to purchase the Troop, vacant in the 3d or King's Own Regiment of Dragoons, (vice) Turner, who retires; the Senior Lieutenants having declined purchasing.

"In case his Majesty shall be graciously pleased to permit the same,

"I do declare and certify, upon the word and honour of an Officer and a Gentleman, that I will not, now or at any future time, give by any means or in any shape whatever, directly or indirectly, any more than the sum of three thousand one hundred and fifty pounds, being the price limited and fixed by his Majesty's regulation, as the full value of the said Commission.

"I have the honour to be, Sir,

"Your most obedient and most humble Servant,

"To the Commanding Officer,

"R. Sitwell,

3d or King's O. Reg. of Drag."

"Lieut. 3 Drag."

"I beg leave to recommend the above, and I verily believe the established regulation in regard to price is intended to be strictly complied with, and that no clandestine bargain subsists between the parties concerned.

"W. Cartwright, Lt. General."

Lord Folkestone. Q. What is the meaning of that mark
"Put by?"

A. Put by for the present until further inquiries were made; the correspondence will explain it.

"Sir,

"Portman Street, 5 Sept. 1808."

"I think your Royal Highness will readily comply with the following trifling request I take the liberty of making. It is, not to accept the resignation of Major Turner of the 3rd or King's own Dragoons, in favour of Lieut. Simwell, till March. He has behaved with unkindness towards a Lady who merited different treatment; and it is of importance to her to know where to find him for these six months; and if he quits the Regiment he means to secrete himself from her. Besides, it is not quite honourable for an officer to wish to leave the Army while his Regiment is under orders for embarkation. Your Royal Highness will therefore perceive he does not merit indulgence. The General knows all about it, and can corroborate what I say, if necessary.

"Major Turner depends on Col. Gordon to expedite his resignation; I depend on Your Royal Highness to prevent his obtaining it for some months. I flatter myself such a trifling and just request you will not refuse.

"C. L.

"I have, &c.

"Place this Letter with Major Turner's papers."

"*Lucy Sinclair Sutherland.*"

"Dear Colonel,

"Burley, 14th Sep. 1808."

"In reply to your inquiries respecting the scrape into which it appears that Captain Turner of my Regiment has got with some woman of moderate repute; I have to say, that I am entirely ignorant of every thing which relates to this matter; but, for your satisfaction, will endeavour to inform myself of particulars, which, when obtained, shall be transmitted to you.

Yours, &c.

"Lt. Colonel Gordon, &c. &c. &c."

"*W. Cartwright.*"

"M. D."

"Private."

"Put by."

Private.

"Dear Colonel,

"Aynho, 22d Sept. 1808."

"I trust that the following Extract of a Letter from Lt. Col. Mundy will do away any unfavourable impression that may have been taken, to the prejudice of Major Turner, of the Regiment under my command; and that the business of his resignation may, in consequence, be allowed to go forward without further delay.

"I remain, &c.

"Lt. Col. Gordon," &c. &c. &c.

"*W. Cartwright, Lt. Gen.*"

"Extract.

“ Extract.

“ In no one instance have I ever had occasion to be dissatisfied with the conduct of Major Turner since he has been in the King's own Dragoons : on the contrary, I have always found him to be a perfectly gentlemanly, honourable man. I believe he has, unfortunately for his own peace of mind, formed a connection with an artful woman, who has brought him to much trouble ; but I conceive this is a circumstance which can on no account warrant the putting any obstacle to his views of retiring.”

“ C. T.”

“ Put by.”

“ Private.”

“ Canterbury, Friday,
23rd Sept. 1808.”

“ Dear Sir,

“ I am just favour'd with a Letter from Lieut. Colonel Mundy, informing of me, my resignation is accepted, and the business will be forwarded without delay. I can with truth say, I have turned my fortieth year, and never had my honour or character called in question, until aspersed by Mrs. S . . . When I arrive in London, I will wait upon you, and inform you how Mrs. S — is in the habits of making improper mention about his Royal Highness. In consequence of what has happened, and in consideration of my long services, I shall consider it as a great compliment, if I may be allowed to retain my rank as Major, I neither ask for half pay, or future promotion ; nor should I ever have made a request, had it not have been for the very unpleasant communication.

“ Lieut-Col. Gordon, &c. &c. &c.”

Put by.

“ I remain, &c.

“ W. Turner.”

“ Sir,

“ Ipswich, 7th Nov. 1808.

“ I am in possession of facts which places it beyond a doubt that his Royal Highness the Commander in Chief did, influenced by Mrs. Sinclair, prevent for a while my retiring from the Service.

“ I appeal to you, Sir, if I merited the effect which such unjust interference produced, after having passed the greater and best part of my life in His Majesty's service.

“ Before I left Canterbury I wrote to you, stating to you my earnest request that I might be permitted to retire from the Service, retaining my rank in the Army, to which I received no answer. Agreeable to my promise, I endeavoured to obtain an interview with you when I was in London, but I was disappointed, owing to some informality in my application to those in attendance under you. I therefore beg leave to repeat my request upon the subject of retaining my rank in the Army : the length and nature of my services, I am convinced, will be a sufficiently strong claim. without reverting to the late transaction exercised by Mrs. Sinclair, I beg to assure you, Sir, it's the farthest from my disposition to take any steps injurious to his Royal Highness the Commander in Chief's conduct. I request you will do me the honour to ac-

Y y 3

knowledge

knowledge the receipt of this, and your answer will regulate my future proceedings.

"I have, &c.

"Whichcote Turner,

"late of the 3rd or King's own Dragoons,

"To Colonel Gordon, &c."

"and Major in the Army."

"Sir,

"Horse Guards, 8th Nov. 1808."

"I have to acknowledge your letter of yesterday, which I have not failed to lay before the Commander in Chief, and I am commanded to acquaint you, that on a complaint being made against you by a Mrs. Sutherland, in a letter, of which the enclosed is an extract, His Royal Highness felt it his duty to cause inquiry to be made into the circumstances of the case, before any decision could be given upon your request to retire from the Service.

"The result of that inquiry being honourable to your character, as appears from the enclosed correspondence from the Colonel of your Regiment, the Commander in Chief had no further difficulty in submitting your resignation to His Majesty, and which was accordingly done in due course.

"Upon the subject of retaining your rank in the Army, I have to communicate to you, that the Commander in Chief has it not in his power to meet your wishes, the request being contrary to the rules of the Service, and has not in any similar instance been acceded to since the Duke assumed the Command of the Army.

"W. Turner, Esq. Ipswich."

"I have, &c. J. W. Gordon.

"Sir,

"Bury St. Edmund's, 15 Dec. 1808.

"I am preparing to lay before the public, a statement of His Royal Highness the Duke of York's conduct towards me.

"I beg leave to assure you, I shall make use of your name as seldom as possible, and that with the utmost delicacy. Mrs. Sinclair Sutherland has offered to join me in a publication against His Royal Highness the Duke of York, which I positively declined. When I taxed Mrs. S. S. with having taken steps injurious to my retirement from the Service, having traced her letter into His Royal Highness the Duke of York's office, Mrs. S. S. stoutly denied having exerted herself in impeding my resignation. Mrs. S. S. acknowledged she had written to His Royal Highness the Duke of York; but it was upon the subject of suppressing a publication; I am unable to say which pamphlet, the one addressed to the King, styled the Ban Dogs, or Mr. (late Major) Hogans.

"Colonel Gordon, &c. &c. &c."

"I have, &c. W. Turner."

"Horse Guards,

16 Dec. 1808"

"Sir,

"I have to acknowledge your letter of yesterday, acquainting me, that you were preparing to lay before the public, a statement of His Royal Highness the Duke of York's conduct towards you, and assuring me, that you should use my name as seldom as possible, and that with the utmost delicacy.

"In

" In thanking you for this assurance, which I presume your recollection of former acquaintance in private life has induced you to make, I feel it my duty to relieve you from any delicacy upon that point, and most decidedly to express my wish, that whenever you or your friends may think fit to mention my name, as bearing upon any public transaction in which I may have borne any part, you will have the goodness to use it free from any reserve whatever, and publish all or any of my letters that may be in any manner connected with it.

" I have, &c. J. W. Gordon."

" P. S. I take it for granted, that you have received my letter of the 8th November, addressed to you at Ipswich."

" W. Turner, Esq. Bury St. Edmunds."

Mr. Wardle. Q. Do you know Mrs. Sutherland?

A. Until I saw her name to that letter, I never recollect having heard of it before, and I never saw her in my life.

Q. Do you know whether Mrs. Sinclair and Mrs. Sutherland are the same person?

A. I have understood that they were so.

Q. You stated in your examination on a former night, that any interference of the Duke of York, the Commander in Chief, with respect to exchanges, would be extremely futile; do you make the observation as to any interference of the Duke of York with respect to resignations?

A. I beg pardon, but with great deference, I never said any such thing; I will state what I did say, and explain if necessary.

[The following Extract was read from the printed Minutes, page 29.]

" Q. In any conversation that you have had upon the
 " subject of this exchange with the Commander in
 " Chief, do you recollect a wish being expressed
 " that the conclusion of the exchange might be ex-
 " pedited?—A. No, certainly not, the expression
 " of such a wish would have been very futile, for
 " it would not have expedited the exchange one
 " half instant; it would have gone on in the usual
 " course."

Q. Do you mean, that any application on the part of the Commander in Chief would have been more futile in regard

regard to the expediting of that exchange than any other ?

A. There appears to be some misconception in this, which I will endeavour to explain : on reference to my former examination, it will be seen that the papers were laid before the King but once a week, and that after the Commander in Chief's pleasure had been finally obtained upon the exchange or upon any thing, then the expression of his wish to further that, would not have furthered it one-half instant, it would have gone with the King's papers that week : that was what I meant to say, and I hope I did say it.

Q. Then the facility to which you allude, only refers to the time after the Commander in Chief's pleasure has been taken ?

A. Most certainly ; that is, if the Commander in Chief's pleasure is taken on Wednesday, and that it is the due course to send in the papers to the King on Friday or Saturday, the Commander in Chief's desire to me to expedite would not cause that paper to be sent in to the King on Thursday ; that is what I mean.

Q. Then any wish expressed by the Commander in Chief, to expedite an exchange previous to that period, might have the effect of expediting that exchange, might it ?

A. I really can only answer that as I have already answered before ; that when I lay a paper before the Commander in Chief and receive his pleasure upon that paper, with him it is final, and it goes before the King in the due course ; I mean to say again, that the Commander in Chief desiring me to send in that paper would not expedite it, it would not go separate, it would go with the other papers.

Q. Do you mean, that if an exchange is in suspence in the Office, an expression used by the Commander in Chief, of a wish to expedite that exchange, would have no effect whatever ?

A. O no, I do not mean that ; it most undoubtedly would.

Lord Falkland. Q. Have you ever known any other instance of this sort of interference like that of Mrs. Sutherland ?

A. I cannot bring such to my recollection, but I can say,

say, that if that letter had been anonymous, the very same course would have been adopted.

Q. Had you any conversation with the Commander in Chief respecting that letter?

A. I do not think I had, farther than this; I think it will be found, on reference to the papers, that the resignation is dated the same day with Mrs. Sutherland's letter, in which case it is probable that I submitted it to the Commander in Chief at the very same period that he opened the letter; I perfectly recollect the Commander in Chief putting the letter into my hands, and desiring me to enquire into it.

Q. Do you mean, that the resignation is dated the same day that the letter is dated?—A. I believe so.

[It appeared on inspection, that the letters of Messrs. Cox and Greenwood, and of Mrs. Sutherland, were both dated February 5.]

Q. When was the resignation forwarded to Major Turner?

A. As it is dated on the 5th, and from the Agents Office, it is most probable I received it on that day, and most probably laid it before the Commander in Chief, in my usual course, the next day at furthest.

Q. When was the resignation accepted?

A. That is also dated in red ink upon the back; it was approved by the King on the 23d of the same month; it came in on the 5th.

Q. Did the Duke of York state to you that he knew Mrs. Sutherland?—A. No, he did not.

Q. Nothing about her?—A. Nothing whatever.

[The Witness was directed to withdraw.]

Mr. WILLIAM NICHOLLS was called in, and examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. Do you live at Hampstead?—A. Yes.

Q. Did Mrs. Clarke live at your house at Hampstead, at any time, as a lodger?—A. Yes.

Q. What

Q. What time did she come ?—A. In October.

Q. What year ?—A. 1807.

Q. How long did she stay there ?

A. Till the 25th June following, or thereabouts.

Q. When she came there, did she represent herself as a married woman or as a widow ?—A. As a widow.

Q. Did she at any time during her continuance there represent herself in another character ?—A. Yes.

Q. Upon what occasion ?

A. I understood that she was married to Mr. Dowler.

Q. How did you understand that ?—A. She told me so.

Q. Did Mr. Dowler come to her there ?—A. Yes.

Q. Was it upon the occasion of his coming to her, that she represented herself to be his wife ?—A. Yes.

Q. Did she give any reason for calling herself by the name of Clarke, while she represented herself as married to Mr. Dowler ?

A. She stated her reason to be, that if the Duke of York knew that she was married, he would send Mr. Dowler abroad.

Q. Was Mr. Dowler there frequently during her stay ?

A. Yes, very frequently.

Lord Folkestone. Q. You have said that Mrs. Clarke represented herself as a widow ; in what way did she represent herself, did she tell you she was a widow ?

A. Yes, that her husband was dead three years.

Q. When did she tell you that ?

A. Some time after she was in the house ; perhaps two months.

Q. When did she come into your house first ?

A. In October, the latter end of October.

Q. When did she tell you she was married to Mr. Dowler ?—A. Soon after Mr. Dowler came to Hampstead.

Q. When did Mr. Dowler first come to Hampstead ?

A. I forget the time, it was soon after the expedition returned from Buenos Ayres.

Q. Did she go by the name of Mr. Dowler ?—A. No.

Q. Did you believe that she was the wife of Mr. Dowler ?—A. Yes.

Q. Did Mr. Dowler often sleep in the house ?—A. Yes.

Q. Was

Q. Was there a French Lady in that house?—A. Yes.

Q. What was the name of that Lady?

A. Josephine, I think, they used to call her; I did not know her name exactly.

Q. Of how many people did Mrs. Clarke's family consist?

A. At first when she came herself, Captain Thompson, and this French Lady.

Q. Any children?—A. Afterwards there were.

Q. How many children?—A. Two, sometimes three.

Q. How many bed-chambers had Mrs. Clarke in your house?

A. Four or five; she occupied the whole house almost.

Q. Do you know whether this French Lady slept with Mrs. Clarke?—A. No, I do not.

Q. Is your wife with you now?—A. Yes.

Q. Is she here?—A. Yes.

Q. Had you ever any correspondence with Mrs. Clarke?

A. I do not understand the question.

Q. Did Mrs. Clarke ever write to you, or you to Mrs. Clarke?—A. Yes.

Q. Do you recollect when Mrs. Clarke last wrote to you?—A. Yesterday.

Q. Did you receive a letter from Mrs. Clarke yesterday?—A. Yes.

Q. When was the last time, before yesterday, that you received a letter from Mrs. Clarke?

A. I do not know exactly.

Q. Have you that letter in your possession?—A. No.

Q. What is become of it?

A. I gave it to a gentleman, a professional man,

Q. To whom?—A. To Mr. Masters.

Q. What is Mr. Masters?—A. An Attorney.

Q. With what view did you give it to Mr. Masters?

A. With a view for him to write to her.

Q. Upon what subject?

A. For a sum of money which she owed me.

Q. What were the contents of that letter?

A. I applied to Mrs. Clarke in town, to ask her to pay me my bill, when she was not to be seen; I told the Housekeeper,

Housekeeper, unless she settled the account with me, I should dispose of some instruments of music that were left in part to satisfy me. The same evening, I received a letter, threatening that she knew I had forged a will, wherein I hold an estate. Immediately I took the letter to Mr. Masters, telling him that it was all a falsehood, and desiring him to insist upon getting my money, and to despise her threats.

Q. Was it in consequence of the threat contained in that letter, or in consequence of the debt which Mrs. Clarke owed you, you gave that letter to this professional gentleman?—A. In consequence of the threat.

Q. How long was this ago?

A. I do not exactly know; I suppose July last, or thereabout.

Q. Have any steps been taken in consequence by that professional gentleman?

A. He wrote to her, and has received no answer? and I do not think any thing else has taken place since then.

Q. Have you ever continued to apply to Mrs. Clarke since that?—A. No, never.

Q. Did you ever receive any rent from Mrs. Clarke?

A. Never.

Mr. Wardle. Q. In that letter, did she say that you had forged this will, and that she could hang you?

A. I do not exactly know the words, but something to that effect.

Q. You state that you applied to your lawyer upon that subject; why did he not proceed against Mrs. Clarke?

A. I thought she owed me enough money already, and I did not like to throw good money after bad.

Q. Do you ever recollect saying, you would be up with her for this?—A. No, never to any body.

Q. Do you recollect, that, at any time, in consequence of the business of the Will spoken of in that letter, your wife and you parted?—A. Never.

Q. You do not recollect your wife leaving you upon that or any other occasion?—A. No.

Q. Have you, in your possession, any letters that belonged to Mrs. Clarke?—A. Yes.

Q. Have

Q. Have you any objection to producing them ?

A. I should not wish to produce them, unless I should be satisfied what she owes me, unless by the request of the House.

[The Witness produced a bundle of letters.]

[The Witness was directed to withdraw.]

The CHANCELLOR of the EXCHEQUER observed, that if the witness had any lien on the letters, for rent, they were his property, and the Committee ought to consider before they called upon him to deliver them in. If they contained any evidence with respect to the subject under investigation, however, he agreed that they ought to be produced ; but, at the same time, it was not merely because they were Mrs. Clarke's that they ought to be called for.

Mr. WHITBREAD considered that, though the letters should be produced, it did not follow that the witness would lose them. Yet if he did, if they contained any thing material, they ought to be produced. It would be proper to ask the witness how he came by them.

Mr. BATHURST said that it ought also to be ascertained whether they contained any thing relating to the subject before the Committee.

Mr. WARDLE stated that he wished to know whether they related to the sale of Commissions ?

Sir GEORGE HILL remarked, that the present mode of proceeding in calling for every letter that belonged to Mrs. Clarke, was most indelicate and indecent, and he thought the Honourable Gentleman * must state whether he had any reason to believe that they contained any thing relative to this

* Mr. Wardle.

inquiry. Unless this was done, he could not see how they could be produced.

Mr. WARDLE stated, that Mrs. Clarke had informed him that while she was living at Hampstead she had burnt several letters containing matter relative to this inquiry, and had given many to this man and his wife to be burnt. He had lately found that they themselves had said that they had several letters relating to this inquiry, and he himself had applied to the witness to have them delivered up, and that he had agreed to do so upon getting a receipt for them from Mrs. Clarke. Mrs. Clarke had sent a receipt accordingly, but the witness had said he had been better advised, and refused to deliver them.

[The Witness was again called in.]

Mr. Wardle. Q. State how you came by those letters?

A. They were sent down to light the fire with.

Q. By whom?—A. By Mrs. Clarke.

Q. Did she desire those letters, when she sent them down, to be burnt?

A. They were sent down merely to light the fire with; they were not given to me, they were put into the closet, and the maid servant used to take them out of the closet as she wanted them.

Q. Do you recollect, at the period these letters were sent down, Mrs. Clarke burning a great number of letters?—A. I understand so; I did not see her burn any.

Q. You have read many of these letters?

A. I have read them since this business has been in hand.

Q. Are you aware that any of these letters relate to the circumstances that had been under the consideration of this House?—A. Yes, I think they do.

[The

[The Witness produced two other bundles of letters.]

[The Witness was directed to withdraw.]

Mr. YORKE observed, that at present the Committee knew nothing more about these letters than that they had been sent down to be burnt. It was, besides, material to consider, whether the time of the Committee ought to be taken up in reading such a bundle; and also whether this man was a proper judge to decide, whether they contained matter relative to this inquiry. He therefore suggested the propriety of submitting them to a Committee, to examine whether they contained any thing respecting the subject of this inquiry. [*A cry of "No, no, no."*] There might be many names mentioned in them, which it might injure the feelings of many innocent individuals to divulge, while perhaps there might be only three or four of them of any consequence with respect to the present inquiry.

Mr. BARRHAM asked, whether the Right Honourable Gentleman had served his country or the Duke of York most materially, in allowing these letters to go out of the House. He would rejoice to see the Duke of York cleared from all these charges, but this was not the way to do it. He was desirous that they should not have gone out of the House, because whatever the Committee might think, the public might suppose that they would not come back again exactly in the same state as before. [*A cry of "No, no, no."*] The Committee had the authority of the person who possessed the letters that they contained matter relative to this inquiry. In examining the disgusting transactions that had been exposed at the bar, they had

done a great many things that might injure the feelings of individuals ; and if they were to stop now upon such a pretence, the public would imagine that it was for no very proper reason. There was no alternative now but complete publicity ; and, if these letters were concealed, the circumstance would tell tenfold against him whom it might be intended to protect.

Mr. WHITBREAD thought it was incumbent upon the Committee to put his Honourable Friend * in the same situation as if he had got the letters upon the receipt of Mrs. Clarke. In that case he would be enabled to produce such as he found material, and he certainly would not withhold any thing of that nature. The House was bound to put this confidence in him.

The CHANCELLOR of the EXCHEQUER saw no probability that the witness who had voluntarily produced these letters at the Bar, would destroy any of them upon withdrawing for a few minutes, and he thought the apprehensions of the Honourable Gentleman † altogether unfounded. They were at present involved in a considerable difficulty, and he did not well see how they could proceed a step farther. Letter had not been admitted before till the hand writing had been proved. That the Honourable Gentleman ‡ would produce such as suited his object, there was no doubt—but in case there should be any that made more against Mrs. Clarke than the Duke of York, that he would produce these was not quite so clear. He was sure the Honourable Gentleman would not think that this was casting any reflection upon him, for he thought, that the Honourable Gentleman would, himself, be the last person who

* M. Wardle.

† Mr. Barham.

‡ Mr. Wardle.

would

would wish that such a delicate trust should be committed to him alone. If Mrs. Clarke had given him these letters, the House would have no controul over them; but now it had the whole of them in its power, and justice required, that if any of them was to be examined, the whole should be produced. If any of these letters was from the Duke of York he did not say that it ought to be rejected. But his doubt was, whether the Committee ought to receive such a mass of letters, in which the characters of thousands might be implicated without any one being responsible for them. These letters might have been written by persons of whom the Committee could know nothing, and it therefore would be out of its power to ascertain whether the whole was not a bundle of falsehoods. The great bulk of this bundle was another reason against reading them, and the Committee ought to consider well whether they ought immediately to be received, without any further inquiry into their nature and contents.

Mr. BERESFORD did not imagine that they were then before a confessional, where the private crimes of individuals, not at all, perhaps, connected with the inquiry, were to be brought under their consideration. He disapproved in every point of view, of the House taking formal cognizance of such an enormous bundle of letters, containing they knew not what, and passing between they knew not whom.

Mr. Secretary CANNING said, that it seemed to be allowed on all hands, that the Committee had got into a difficulty with respect to those letters; and to relieve them of that difficulty three distinct propositions had been submitted; as to the first, that of having them all read, he did think that a most exceptionable mode of proceeding. It rested

upon no analogy, all that the House knew of the package of letters, was, that they had been in possession of Mrs Clarke, and he did not think this a sufficient ground for reading them. As to another suggestion, for vesting the selection of those letters exclusively with the Honourable Gentleman who had the conduct of this inquiry, he could not think that this either would prove satisfactory, not from the slightest doubt upon his mind of that Honourable Gentleman's disposition to conduct every thing fairly to the House, for he was free to say that his conduct, throughout the present inquiry, had nothing in it that was not perfectly fair and honourable; but at the same time, he thought it would be better to appoint a Select Committee, no matter how small, which might be instructed to examine the letters, and select such only as bore upon the present inquiry. This could not be attended with any delay, for as it was well understood that this would not be the last night of this present inquiry, and that probably, to-morrow might be occupied with it, they might go on with the examination of their witnesses; and the House might, on its resuming, appoint a Select Committee for that purpose.

Mr. BARHAM in explanation remarked that his object was not that all the letters indiscriminately should be read, but that in the progress of this inquiry there should be no appearance to the country of a wish on the part of that House to conceal any thing.

Mr. YORKE approved of the appointment of a Select Committee.

Mr. DENNIS BROWNE said, that in answer to the question, "Do any of these letters relate to the Inquiry now before the House?" the answer of the witness was—"some of them." Now this, he thought,

thought, decided the thing at once ; for it proved that all did not, and of course the necessity of selection. He required that that answer be read. (*Read, read !*)

The answer was then referred to, and on reading prove to be—“ *I think they do.*”—(*A laugh.*)

Mr. ADAM proposed for the better regulation of their proceedings, that the letters be laid upon the table, and then sealed up, and that the House either now or hereafter be resumed, and that a Select Committee be then appointed for the purpose of examining them.

Mr. WHITBREAD coincided with his Honourable Friend in the propriety of having the letters sealed up, and taken into the possession of the House.

Lord PORCHESTER thought it much better that two persons should be appointed, for the purpose of fixing upon such letters as either they might think calculated to bear upon the present inquiry ; because he thought it not fair that the Honourable Member, who certainly should be one of those two, conducting that Inquiry, should be denied his right of bringing before the House whatever in his opinion tended to make out his case.

Mr. BRAND considered it rather premature to take any proceedings with respect to the letters, until they were actually in possession of the House, which certainly they were not as yet.

Mr. BRAGE BATHURST imagined that the suggestion made by the noble Lord * was the best to obviate every objection.

Mr. Secretary CANNING observed, that the objection of the Noble Lord to a Committee, was done away by the consideration, that the object of that Committee would be not to select what was proper, but

* Lord PORCHESTER,

but to discard what was wholly irrelevant.

Sir SAMUEL ROMILLY was for the Committee, if it was so constituted that nothing in those letters could be kept from the House, that any Member of that Committee was of opinion was relevant to the present inquiry.

The CHANCELLOR of the EXCHEQUER then proposed, "That a Committee should be appointed to examine these letters, and select such as appear, to the Committee, or to any one of them, relevant to the inquiry now before the House."

Mr. WILLIAMS WYNNE and Mr. BANKES objected to any Committee so constituted, as being altogether unprecedented.

Mr. PONSONBY said, that at the commencement of the charges now before the House, he had made his resolution not to say a word until he had heard all the evidence that was to be adduced in support of them ; but in the present question, he could not help, from its very important tendency, to press upon the Committee the necessity of coming at the best possible evidence the nature of the case will admit. He certainly thought a Committee the better way, but ridiculed the notions of the minority of that Committee controuling the majority, which would be the case, if one Member could produce letters the rest of the Committee think unnecessary.

The CHANCELLOR of the EXCHEQUER then concluded the observations by remarking, that in submission to the suggestion with respect to the point of precedent, he should omit that part ; only that it was to be understood, that on the House resuming, the Committee would be appointed for the examination of the letters, and that every letter any one Member of that Committee thought necessary would be produced.

[The

[The Witness was again called in.]

Mr. Whitbread. Q. Have you in your pocket the whole of the letters you took out of the House?—A. Yes.

Mr. Whitbread. Produce them.

[The Witness produced them.]

Q. Were you advised not to deliver those letters to Mrs. Clarke?—A. No.

Q. Is that your hand writing?—A. Yes, it is.

[The Letter was then read.]

“Ma’am,

“13 Feb. 1809.”

“I received yours respecting your letters; and on turning the matter in my mind, I don’t know how far I am authorized to give them even to you, as having been applied to from another quarter on the same business; and as I most certainly shall be obliged to attend the House of Commons, I will look them all up and produce them there.

“In fact, I think you ought to settle my Account before you ask me for any thing.

“I am your obed. Servt.

“Mrs. Clarke.”

“W. Nicholls.”

Mr. Wardle. Q. From what other quarter was it you were applied to for the letters?

A. From no other quarter; I was waited upon by a gentleman on the same business, but in turning it in my mind, I did not know that I was even to give them to any person, without the consent of the House.

Q. Who was the other gentleman?

A. I do not know his name.

Q. Are you certain you do not know his name.

A. I do not know his name.

Q. Did you know his name yesterday?

A. No, I did not.

Q. Did you tell me his name yesterday?

A. I do not recollect that I did; I am confident I did not know his name.

Q. Recollect yourself?

A. I am confident I did not know his name.

Q. Did

Q. Did you not tell me his name was Wilkinson ?

A. I believed it was Wilkinson, but I mistook the name, and I do not know the name now ; the person who came mentioned the name of Wilkinson, but it was not the person's name who came to me ; though I might say it was Wilkinson to Mr. Wardle, I was mistaken.

Q. Do you mean to say, that the person who came said he was sent by Mr. Wilkinson ?

A. He mentioned the name of Wilkinson, but I am not certain in what way he used that name.

Q. Whom did this person say he came from ?

A. He came from Mr. Lowten.

Q. Whoever it was he came from, did he ask for any particular letter, or only applied to you upon the general subject ?

A. He said nothing about letters.

Lord Milton. **Q.** What did you mean when you wrote that you had been applied to upon the same business from another quarter ; what do these words mean ?

A. I meant the business of this inquiry.

Q. Did the person coming from Mr. Lowten request that you would not produce those letters ?

A. No, he knew nothing at all about letters.

Q. What did he ask for ?

A. He asked me some questions about Mr. Dowler.

Q. What application did this person make to you ?

A. He asked me some questions about Mr. Dowler ?

Q. Did this conversation relate to nothing but Mr. Dowler ?—**A.** Mr. Dowler and Mrs. Clarke.

Q. What did he say upon the subject of Mrs. Clarke ?

A. I forget almost what he asked me ; he asked me a few questions about them, and I told him that she told me she was married to Mr. Dowler.

Q. What did he say upon the subject of papers ?

A. Nothing at all.

Q. Why then do you assign this person having called upon you from Mr. Lowten, as the reason for not returning the letters to Mrs. Clarke ?

A. For no reason for the person having called on me from Mr. Lowten ; but on turning the matter in my own mind, I thought it most prudent so to do.

Q. Then

Q. Then why have you stated in your letter, that this person having called upon you was the reason for not returning the letters to Mrs. Clarke?

A. In turning it in my own mind, I thought that I might be censured by the House, understanding that I must attend this House, for delivering those letters to Mrs. Clarke.

Q. Had you, at the time of writing that letter, received an Order from the House to produce these letters?—**A.** No.

Chancellor of the Exchequer. **Q.** Did the person who came from Mr. Lowten desire you to keep back those letters, and to suppress them?

A. He said nothing at all about them; he did not know that I had a letter, to my knowledge.

Lord Folkstone. **Q.** At the time you saw that person, had you received an order to attend this House?—**A.** No.

Q. What made you suppose you should be obliged to attend this House?

A. Because the Gentleman, who came, said he supposed I must attend this House.

Q. Have you seen that person since yesterday?—**A.** Yes.

Q. Where?

A. I saw him; he came to Hampstead to-day, and I came to town with him.

Q. Did he go to Hampstead to fetch you?—**A.** Yes.

Q. Did he carry down the summons to attend this House?—**A.** No.

Q. How came you to come to town with him?

A. He came there after I received the summons; I did not expect he would come there.

Q. His name is not Wilkinson?—**A.** No.

Q. Do you know what his name is?

A. I should know what his name was if I heard it; I have heard it to-day, but do not recollect it.

Q. Is it Williams?—**A.** No.

Q. Did he say any thing to you to-day about the letters?

A. No, he knew I had the letters to-day.

Q. But he did not speak to you upon the subject?

A. No; I believe his name is Wright, but I am not sure.

Q. You

Q. You stated in the former part of your examination, that you believed Mrs. Clarke was Mr. Dowler's wife; did you ever apply to Mr. Dowler for the satisfaction of your debt?—**A.** Never.

Q. Why did you not?—**A.** I had not an opportunity.

Q. Did you ever seek for an opportunity?

A. No, I do not know that I ever did; I was not anxious about the business; I did not suppose but what I should be paid.

Mr. C. Adams. **Q.** In what profession are you?

A. A baker by business,

Q. How long have you lived in Hampstead?

A. Eight or nine years.

Q. You are a Housekeeper there?—**A.** Yes.

Mr. Hibbert. **Q.** You have stated, that you believed Mrs. Clarke was Mr. Dowler's wife, and you have also stated that she told you when she came to Hampstead she was a widow; did you suppose the marriage with Mr. Dowler took place at Hampstead?—**A.** No.

Q. Why then did you believe that she was Mr. Dowler's wife, when she had previously told you she was a widow?

A. Mrs. Clarke left my house and went to town; when she returned, Mr. Dowler returned with her, or near that time; it was after that time that Mr. Dowler was in the habit of coming, that she told me she was married to Mr. Dowler.

Honourable J. C. Beresford. **Q.** You have stated, that you received a letter yesterday from Mrs. Clarke; what are the contents of that letter?

A. I have it in my pocket.

[The letter was read.]

“Mrs. Clarke will esteem herself greatly obliged to Mr. Nicols, if he will send, as he has promised, all her letters by the Bearer, who she sends in compliance with the arrangement made by him two hours ago.”

“Monday, one o'clock.

“Mr. Nicols,
opposite New End, Hampstead.”

Q. Who was the bearer of that letter?

A. I do not know who it was, a servant on horseback.

Q. What

Q. What did Mrs. Clarke mean by the arrangement ?

A. I suppose she means the conversation between Mr. Wardle and myself on the subject.

Q. Repeat as nearly as you can that conversation ?

A. Mr. Wardle called on me, to app'y for those letters, and I told Mr. Wardle I was not inclined to give them up ; in fact, I should not think fit to give them up without an order from the person to whom they belonged. Mr. Wardle left me, with the supposition that I should deliver the letters up when I received an order from Mrs. Clarke ; but on turning it in my mind, I did not think fit to give them up even then.

Sir W. M. Milner. Q. How did Mrs. Clarke know that you had these letters ?

A. I do not know how she knew it ; perhaps I might mention to some one that I had these things, and it might come to her knowledge by that means.

Mr. JOHN REID was called in, and examined by the Committee, as follows :

The Chancellor of the Exchequer. Q. Where do you live ?

A. In St. Martin's Lane.

Q. Do you keep an Hotel in St. Martin's Lane ?

A. I do.

Q. Do you know Mr. Dowler ?—A. I do.

Q. How long have you known him ?

A. About two years, I believe ; I cannot be exact to the time.

Q. How long has Mr. Dowler frequented your house ?

A. About two years.

Q. Do you recollect his coming there at any time with a person he represented to be his wife ?—A. I do.

Q. When ?

A. At all of the times he was in town, at some time or other.

Q. Has he been frequently at your house with a person whom he represented as his wife ?

A. Not very frequently.

Q. Do you now know who the Lady was, whom he so represented as his wife ?—A. I do not.

Q. Was it the same person that always came with him?

A. The same person.

Q. When was that person last at your house, that you knew her so to be there?

A. I think last Friday se'ennight, the day that Mr Dowler came to town.

Q. You do not know who that Lady is?

A. I have heard, but I do not know of my own knowledge.

Q. Has Mr. Dowler supplied any body with wine from your house?

A. No, Mr. Dowler has had some wine from my house.

Q. Where has that wine been sent to?

A. I believe somewhere by Bedford Square, I think, but I do not recollect; if I had expected to be asked the question, I would have made myself sure of it.

Q. Did the Lady who came with Mr. Dowler, go by the name of Mrs. Dowler?

A. Certainly she did, or she would not have been in my house.

Q. Was the person who was with Mr. Dowler on Friday se'ennight, at your house, the Lady who used to be with him under the name of Mrs. Dowler?—A. The same.

Q. Did you ever hear her go by any other name but that of Mrs. Dowler?—A. No.

Q. Did you ever address her yourself by the name of Mrs. Dowler?—A. I did.

Q. Did she answer to that name?—A. Most certainly.

Lord Falkstone. Q. Are you sure it was on Friday se'ennight that this Lady was at your house for the last time?

A. The last time that I saw her.

Q. Are you sure as to the day?

A. To the best of my recollection.

Q. Are you sure it was the day Mr. Dowler arrived in town?—A. I think it was.

Q. Are you certain of that fact?

A. As well as my memory serves me, I am.

Q. Have you seen that Lady any where in the neighbourhood of this House since you came?—A. I have not.

Q. She passed as Mrs. Dowler on that evening?

A. Yes,

A. Yes, she did.

Q. Have you ever heard Mr. Dowler call her by the name of Mrs. Dowler?—A. Yes, I have,

Q. And she answered to that name?—A. Yes.

[The Witness was directed to withdraw.

GEORGE ROBINSON was called in, and examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. Are you the Porter at Slaughter's Hotel?—A. Yes.

Q. Do you know Mr. Dowler?—A. Yes.

Q. How long have you known him?

A. From the time that he returned from the expedition that came home from Buenos Ayres; that was the first knowledge I had of him.

Q. Did you ever see with him any Lady that he called by the name of Mrs. Dowler?—A. Yes.

Q. At your master's house?—A. Yes.

Q. Living with him there?—A. For a short time.

Q. As his wife?—A. Yes, as his wife.

Q. Do you know who that Lady is?—A. Yes.

Q. Who is it?

A. She goes by the name of Mrs. Clarke, to my knowledge.

Q. How do you know that?

A. By the public talk I have heard that of her; nothing further.

Q. Have you ever been to her house?

A. Yes, in Bedford Place, leading from Bloomsbury Square to Russel Square.

Q. Was there any name upon her door there?

A. Not to the best of my recollection.

Q. Did you ever carry her any thing there?—A. Yes.

Q. What?—A. Wine.

Q. From your master's?—A. Yes.

Q. Who ordered that wine?

A. I received the order from my master.

Q. Have you seen her at your master's house lately?

A. I have not.

Q. Have you seen her since Mr. Dowler's return from Spain?—A. I have not.

Q. Have you seen Mr. Dowler there since?

A. Yes, I have.

Q. To whom was the wine directed to be carried?

A. Mrs. Dowler.

Q. To be carried to No. 14, Bedford Place?—A. Yes.

Q. You would know the lady if you saw her?

A. Yes, I believe I should.

Q. Have you ever seen her at any other place, or carried wine to her any where else?—A. Yes.

Q. Where?

A. At the end of the King's Road, I believe it is called Westcott Buildings, or something of that sort, leading to Sloane Square.

Q. What name did you carry it to there?

A. Mrs. Dowler.

Q. When?

A. I might say I believe it was the 13th or 14th of December last.

Q. Who ordered that wine?—A. I am not sure.

[The Witness was directed to withdraw.]

SAMUEL WELLS was called in, and examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. Are you a Waiter at Slaughter's Coffee House?—A. I am.

Q. Do you know Mr. Dowler?—A. Yes.

Q. Do you know Mrs. Dowler?—A. By name.

Q. Have you seen her?

A. By the name of Mrs. Dowler I have seen her.

Q. Have you heard her called by that name?—A. I have.

Q. When did you see her there last?

A. It might be about eight days ago.

Q. Do you recollect the day of the week?—A. I cannot.

Q. In whose company was she?—A. With Mr. Dowler.

Q. How long did she stay there?—A. One night.

Q. Do you happen to know what the real name of that Lady is now?—A. Not till I had seen it in the paper.

Attorney General. Q. Have you seen her any where else?—A. No where else but at our house.

Lord Folkstone. Q. Did you ever deliver a letter to this

This Lady, directed to Mrs. Dowler?—*A.* No, I have not.

Attorney General. Q. Was Mr. Dowler ever there with any other Lady except this?—*A.* Not to my knowledge.

[The Witness was directed to withdraw.]

Mr. WARDLE proposed to call in Mrs. Favorey for examination, but the Serjeant at Arms appeared at the Bar, and stated that she was not in attendance.

The CHANCELLOR of the EXCHEQUER, after stating that it would be necessary to summon one of these witnesses for to-morrow, in order to identify Mrs. Clarke, asked Mr. Wardle, whether he had any further charges to prefer?

Mr. WARDLE replied, that he was not yet prepared to state the nature of a charge which he meant to adduce, if he found the evidence satisfactory. If he should find it so, he should bring it forward to-morrow night.

The CHANCELLOR of the EXCHEQUER expressed a wish, that the Honourable Member would have the goodness to state the charge, in order that the accused might be prepared to bring forward evidence in his defence.

Mr. WARDLE considered it impossible for him to state the charge at that moment, but he would be decided respecting it in the morning, and should take the earliest opportunity of informing the Right Honourable Gentleman of it.

Lord FOLKSTONE here remarked that, in consequence of the probable engagement of his Honourable Friend upon the business of the Committee to be appointed, inquiring about the letters disclosed by Mr. Nicholls, he had undertaken to investigate the case he had alluded to, and he should apply himself to the investigation in the morning.

The CHANCELLOR of the EXCHEQUER could not conceive how there could be any difficulty in stating the nature of the charge—“Surely after so much

much inquiry, it was rather hard to keep the public or the accused any longer in suspense; it was obviously desirable, that some information should be communicated as to this new charge, in order that evidence respecting it, if any, should be in readiness, and the case should close on both sides to-morrow night. He wished much, therefore, to know the description of the intended charge, with a view to have it forwarded to the Duke of York, without delay—otherwise there might be a difficulty, or at least, a delay in meeting it, against which delay it must be desired by all parties to guard, after an inquiry so long protracted.”

Lord FOLKSTONE said, that in its present state it could not be mentioned.

Upon this Mr. CANNING felt himself really surprised at the nature of the replies given to his Right Honourable Friend. “It was quite extraordinary, that a charge should be threatened, the object of which the accuser refused to explain, adding to that refusal a confession that he has still to look out for evidence to substantiate it. Neither in parliamentary proceedings nor legal record had he ever heard of any charge so vague and indefinite.”

Lord FOLKSTONE denied that the charge was either vague or indefinite, for this simple reason, that no charge whatever was made. It was because some doubt hung over this charge that it was not mentioned. If, while such doubt existed—if before the investigation of the evidence appearing to support it, any charge were stated, then his Honourable Friend or he might be exposed to the imputation of preferring an unfounded charge which he could not substantiate. But he felt the propriety of the course which he was pursuing. He was not ashamed of his conduct, nor was he afraid of the consequence of any imputation which the Right Honourable Gentleman

Gentleman might throw out upon his character.

The CHANCELLOR of the EXCHEQUER disclaimed the idea of throwing out any imputation against the Noble Lord.

Lord FOLKSTONE observed that he did not mean the Right Honourable Gentleman.

The CHANCELLOR of the EXCHEQUER resumed. "He regretted that the charge was not explained, or some of the parties involved in it mentioned, in order that means might be afforded to the accused in due time to meet it, and to prove, if in his power, that it was groundless."

Mr. WHITBREAD thought the observations of the Right Honourable Gentleman on the Treasury Bench of rather an extraordinary character. "An imputation seemed to be thrown out, that it was intended to bring forward a charge in a manner calculated to take the accused by surprise. If any such imputation (and he was sure it could not) were meant to attach to his Honourable Friend, or the Noble Lord, he was confident it was groundless. But if it were possible for any man to entertain the intention which seemed to have been imputed, that House would defeat it. That House was not so circumscribed in its limits as to precipitate a termination of the Inquiry, and refuse the accused a full opportunity of defending himself against any charge that might be brought forward. Although it was understood that this charge was to close to-morrow night, it did not follow that it should, if it appeared necessary to extend it farther. He had no doubt that the Noble Lord would do his duty in examining the case referred to—but whatever the event, he trusted that House would do its duty, and that if an attempt were made from any quarter to withhold justice, such attempt would be baffled." On these grounds he saw no reason for pressing so much for
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the statement which the Right Honourable Gentleman desired.

Mr. CANNING did not mean to throw out any imputation ; but he must say, he retained his opinion, that the proceeding which formed the subject of conversation was most unusual and unprecedented."

Mr. BRRESFORD thought it too hard thus to press the Honourable Mover. He had already brought forward charges against the Duke of York, in which he had confessedly failed, and it was but fair to afford him some time for inquiry and reflection, in order to save him from similar failures.

Sir CHARLES HAMMOND thought from the hour at which they were then sitting it could not be material to the case of the Duke of York whether the information desired should be obtained from the Noble Lord now or in the morning.

The SPEAKER suggested the form of a motion in the Committee, for resuming the House, which was a necessary preliminary to the appointment of a Committee for examining the letters given in by Nicholls.

This motion was put and carried. The House then resumed; and it was ordered, on the motion of Mr. Wharton, that a Committee should be appointed to examine the letters alluded to, and to report to the House such letters, and such parts of letters, as had any bearing upon the question referred to the consideration of the Committee of the whole House.

Upon the motion of the Chancellor of the Exchequer, the Committee was ordered to consist of the following Members, three to form a quorum, namely Mr. Wardle, Mr. Williams Wynne, Mr. Croker, Mr. Brand, and Mr. Leach.

The Committee was ordered to sit on Wednesday.

Upon the Motion of Lord Folkstone, Col. Gordon, Mrs. Clarke and Mr. Donovan were ordered to be summoned to attend as witnesses on that day.

